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A HISTORY OF THE
ENGLISH POOR LAW

CLXX

"Denn die Weltgeschichte ist nichts als die Entwickelung des Begriffes der Freiheit."

"For the History of the World is nothing but the development of the Idea of Freedom."

HEGEL, *Philosophie der Geschichte*,
Werke, vol. ix. p. 546.

A HISTORY

OF THE

ENGLISH POOR LAW

BEING A SUPPLEMENTARY VOLUME TO "A HISTORY OF THE ENGLISH POOR LAW," BY SIR GEORGE NICHOLLS, K.C.B., POOR LAW COMMISSIONER AND SECRETARY TO THE POOR LAW BOARD

BY

THOMAS MACKAY,

AUTHOR OF "THE ENGLISH POOR," ETC.

RE-ISSUE.

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PREFACE

When it was suggested to the author that he should write a continuation of Sir George Nicholls' work, he had already made some progress with a history of the Poor Law from the year 1834. He naturally turned to see how much of the material which he had collected was already incorporated in the earlier volumes which he was asked to continue or supplement. It seemed to him (and to this view he obtained the assent of the editor and publisher of the new edition of Sir George Nicholls' work) that in the last portion of his narrative, Sir George, for obvious reasons, wrote with considerable reserve, and that a fuller account of the passage and subsequent introduction of the Poor Law Amendment Act might, at the present day, be acceptable. With the consent, therefore, of those interested in the earlier volumes, the author has adhered to his original plan, and has aimed at producing a complete history of the subject from the year 1834.

Since the year 1834, if we except, perhaps, the Union Chargeability Act of 1865, no Poor Law legislation of the first importance has been added to the statute book. The later history has been concerned rather with a controversy than with definite acts of legislation. For this reason a treatment of the subject somewhat more speculative than that followed by Sir George Nicholls has seemed necessary, and a re-statement of incidents and arguments has been found con-

venient for the purpose of showing sometimes the identity and sometimes the novelty of the issues which have been raised at a later date.

The result of these various considerations has been that this volume has assumed more or less the form of an independent work, and the reader is asked to regard it as a supplement, rather than as a continuation, of Sir George Nicholls' History.

Sir George Nicholls had exceptional opportunity of knowing the history of the Poor Law. His pioneer work at Southwell, his appointment as one of the Three Commissioners, his connection with the introduction of the English system into Ireland, and his subsequent service as Secretary to the Poor Law Board, amply justify Mr. C. P. Villiers' description of him as "the father of the new Poor Law." Few persons, and certainly not the present author, can lay claim to the same extended and accurate knowledge. The sole advantage which belongs to a writer in this generation is that, having been born some seventy years later, he has had opportunity of witnessing the development of the system of which Sir George Nicholls was one of the chief architects. The events narrated in the present volume will, its author believes, amply vindicate the policy of the Act of 1834, and will confirm the principles of which Sir George Nicholls has been the most authoritative exponent. The author feels that this apology is due for his presumption in allowing any work of his to be associated with a book which must always remain a classical work on our English Poor Law system. The labours of the early reformers of Poor Law administration are regarded with reverence and admiration by every thoughtful student of social history, and it is as a humble tribute to their memory that the present volume is now offered to the public.

To this explanation of the supplemental character of this volume, it may be added that it is not intended

to be a manual of Poor Law practice, nor a detailed account of the statutes and orders which govern the administration of the law. Its object is to set out the economic rather than the legal history of the subject, and to supply a review of principles and events, narrated both in this and the earlier volumes, from the standpoint of a later generation.

The plan of arrangement, it is hoped, is sufficiently explained in the text. The book consists of three parts, of which the First and Third follow more or less closely the chronological sequence of events. The Second Part treats separately various subjects which, as they have been dealt with piecemeal by the legislature, have baffled the author's wish to include them in the main course of the narrative.

It remains for the author to record his obligation to Mrs. Simpson for leave to examine an important collection of papers which belonged to her father, Mr. Nassau W. Senior; to Mr. W. Chance for the loan of some elaborate and valuable notes on the difficult question of Vagrancy; to Mr. J. S. Davy and Mr. Willink for their kind assistance with the proofs, and for many helpful criticisms and suggestions.

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A HISTORY

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THE ENGLISH POOR LAW

FROM THE YEAR 1834

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THE primitive condition of mankind is one of poverty, ignorance, and helpless subjection to the forces of nature. The history of civilisation narrates the steps by which man, in part at any rate, has emerged from this original state of disability. Man is not naturally rich, nor wise, nor free. Wealth, knowledge, and liberty are the gifts of civilisation. Personal liberty, the institution of property, the right of exchange, and the enlargement of the intellectual horizon which

security creates, are the elements out of which, in the course of history, civilisation has proceeded.

This organisation has, at times, been described as the Natural Organisation of Society, but the terms nature and natural are in truth ambiguous. The Socialism of the Incas of Peru and the political system of Richard Cobden are alike natural. Every form of political action, right or wrong, wise or foolish, is natural. We must refer the preference which we avow for this so-called natural organisation to some more intelligible principle.

In the lower scale of creation the struggle for existence has a grim reality. When we reach the higher scale, and consider the human race and its environment, we observe that, though the struggle for existence is not at an end as against the brute forces of nature, the same principle, the desire of life, the necessity of life, the instinct of self-preservation, which at times prompts destruction, prompts also construction, combination, and the automatic co-operation of mutual exchange. Civilisation, as we understand it, consists in the fact that these promptings which make for destruction are being tamed and eradicated, and that the motives which lead men, in their associated life, to the practice of mutual forbearance instead of war, have become or are becoming the paramount guides of human conduct. Private warfare has given way before the jurisdiction of the law, and this generation is witnessing the beginning of a movement which may one day substitute arbitration for international war.

In the economic experience of many generations of men, exchange of labour and goods, based on an acknowledged right of personal liberty and property, has come to be universally recognised as preferable to the system of slavery and forcible seizure. Both systems are natural, but civilised man is learning that the arts of peace tend more surely to the attainment

of his desires, and that, viewed in the light of the great principle of the economy of effort, contract and exchange, and not slavery or promiscuity of possession, offer the true path of progress.[1] Man learns this truth, and his conduct is influenced by it, in precisely the same way as he learns any of the other laws which condition his existence. The acquiescent attitude in regard to this truth, which the civilised world has already taken up, seems, in its main features, to be necessary, inevitable, and irreversible. The communism or socialism involved in the right of seize-who-can has been deliberately rejected by the experience of the ages. Private ownership, and such communism as is rendered practicable by the gradually improving organisation of exchange, have been preferred by the conscience of the civilised world.

The question now agitating the social conscience is—How far is it possible to introduce communism (using the term in the sense of a more equal division of the good things of this world) by means of the principle of legislate-who-can? The controversy which is raised in the endeavour to answer this question is not the subject of this volume, but it is necessary at the very outset to explain the relation of Poor Law theory to this larger discussion.

There are, on the one hand, those who can imagine no better guide than the deliberate experience of mankind and the maxims of social action deduced therefrom. They admit that the natural and deliberately chosen path of progress has not as yet brought to all an equal or satisfactory measure of enjoyment; but any attempt to substitute a distribution of property by legislative enactment, instead of the principle of private ownership

[1] The influence of the law of the Economy of Effort on the conduct of men and of nations is suggestively treated by an eminent French economist, M. G. de Molinari, in a volume entitled, *Comment se résoudra la Question Sociale*, Paris, 1896.

and exchange, is in their opinion a retrograde movement, leading society away from that ideal community of enjoyment which, misunderstanding set aside, is the aim and desire of every school of thought.

On the other hand, the Socialist is in favour of introducing some new constructive principle. His imagination conjures up to him, as it does to us all, the outlines of an improved and ideal community. He seeks to drag society to it, by legislative or other form of coercion. He may, in the future, be able to persuade sections of men to attempt some of his experiments. The question remains, Will human experience, which has its own decisive way of chronicling its verdict, be able to give its deliberate approval to these efforts?

Happily, it will be possible to keep the subject of this volume, in large measure, separate and distinct from the larger controversy.

It is admitted on all hands that our present economic system has an almost illimitable power of absorption. It to-day maintains millions of exchangers, where formerly it only maintained thousands. But there is a residuum. Many men, possibly classes of men, remain in a condition of primitive poverty, ignorance, and subjection, all the more aggravated because it can be contrasted with the higher possibilities of the civilised life. For this evil neither the Socialist, nor still less the advocates of personal liberty, imagine that any Poor Law can be a complete remedy. The Socialist is of opinion that the principles which underlie our economic society, as ordinarily understood, have been tried and found wanting, and he has his own plans for their reformation. His opponent, on the other hand, accepts as good much, if not all, that he finds inevitable. The only discipline tolerable to mankind, in his opinion, is the voluntary adjustment of mutual exchange and forbearance. Such satisfaction as exists in the world is due to this principle, and the progress

of the world depends on the right conception and right application of it. The power of absorption possessed by existing economic society is far from exhausted, it is practically illimitable. His imagination and experience combined do not suggest any better method of organisation. There are, he admits, in nature and in perverse human ingenuity many obstacles to the complete ascendency of the principle of economic freedom, but our efforts for reform should be devoted to removing or mitigating these causes of obstruction.

The two views here inadequately presented are of course diametrically opposed, but logically their attitude to the Poor Law is the same. Both admit that a maintenance provided by the law for persons in virtue of the fact that their store of property and services is bankrupt, will absorb and aggregate a certain mass of population, just as surely as the so-called system of natural liberty or the millennial Utopia which the Socialist seeks to introduce. The expansion of an uneconomic population maintained by the rates is only limited by the ratepayer's consciousness of the maxim that he may "have exactly as many paupers as he chooses to pay for," and by his occasional efforts to protect himself. Even in the Socialist view, there is no healthy expansion along this line of advance.

No instructed Socialist, so far as we are aware, has ever desired to attain the particular form of legislative communism which he favours, by advancing on it through an expansion of the Poor Law. The Poor Law is, in a sense, a socialistic experiment, but it would be unfair to the theoretic Socialist to hold him or his system responsible for its failure to make pauperism an honourable and happy condition. It may be desirable, as the Socialists maintain, to procure by legislation some measure of "socialisation of property," but it is clearly undesirable to make this experiment by urging men to declare themselves failures, or to enable them

to live at the charges of the ever-diminishing number which under such conditions would remain within the circle of economic life, as it at present obtains. Such an experiment would be to court disaster. If the present system of private property and voluntary exchange is to be replaced by Socialism, the new system, if it is to have a chance of success, should not begin by aggregating the population which it hopes to emancipate, on the basis that they are each and all unfortunate and incapable, the deteriorated residuum of the economic system which it seeks to destroy. On the contrary, it must begin with the industries which have been successfully organised, and which already possess a trained and competent industrial population. This view is accepted by the more thoughtful Socialist. He has no desire to apply his formula directly to a pauper population. His hope is that by introducing a new principle into the successful industry of the country, a great addition of absorbent power will be given to it, and that a socialistic organisation of industry will succeed in absorbing pauperism, and in relieving the conscience of civilised society from the pain and scandal of a degraded residuum. The instructed Socialist is well aware that successful constitution-making is not possible when we have to build with pauper material.

On the other hand, those who accept the present constitution of society as representing, fundamentally at all events, the irreversible verdict of the civilised world, believe that the existing industrial economy has an illimitable power of absorption, and that it is highly impolitic to create a rival principle of existence, and to give a too liberal guarantee of maintenance to those whose only success is the acquisition of a character indisputably incompetent.

The issue, therefore, is perfectly clear. The Socialist wishes to reconstruct a society which, by the virtue

of some new principle, will absorb pauperism. The advocate of personal liberty and free exchange believes that pauperism can only be absorbed by a wise development of the system on which society is already based. Both parties ought, if they are guided by logic and reason, to be opposed to unnecessary extensions of pauperism.

The provision for pauperism (*i.e.* for the class which has a difficulty in finding a place for itself in the economic interdependence of modern industry) is a safety-valve where, perhaps, no safety-valve is required. The Socialist demands for his purpose the kindled fire of discontent; it is this alone which will enable him to introduce his system. His opponent also, in so far as his attitude is based on reason, should know that to burst the disabilities of primitive poverty and servitude, a strong motive is necessary. Civilisation is due, in his opinion, to that necessity which is the mother of invention. It is this which has aided the pioneers of progress; it is this which alone can guide to success the laggards who linger among the flesh-pots of pauperism. Both schools of opinion, therefore, should look on any unnecessary extension of a Poor Law as an obstacle to the realisation of their ideals.

Such logical precision is not perhaps to be expected in practical affairs. Those who accept, with all its shortcomings, the existing constitution, are often much enamoured of the use of a safety-valve.[1] The fear of the plain man to face the facts, his belief that pauperism is inevitable, his willingness to discharge his obligation by contemptuous jettisons of ransom, have given rise to a pessimism so disastrous that it has gone

[1] "I have often," said Lord George Bentinck (*Lord G. Bentinck*, a political biography by B. Disraeli, p. 140. New edition, 1858), "heard Mr. Canning say that it was to the Poor Laws of this country that England owed her successful struggles with Europe and America; *that they had reconciled the people to their burthens, and had saved England from revolution.*"

far to create the evils before which society stands trembling and irresolute. The Socialist, for his part, is often equally illogical. The visionary temperament, which it is not unfair to impute to a large number of the Socialist party, is more swayed by passion than by reason. A keen sympathy with suffering, and a knowledge that there is no immediate prospect of that revolution which they believe to be its cure, have forced the less logical minds among the party into many extravagant and, even from their own point of view, disastrous relaxations of Poor Law administration. Such persons do not seem to realise that, if they can satisfy their pauper *clientèle* by opening wide the approaches to a pauper maintenance, they are indefinitely postponing the Socialist millennium.

A French Socialist visiting England has remarked that our English Poor Law system has staved off revolution. There is, however, an alternative view that the institution of a Poor Law has largely retarded the emancipation of the labourer and his acquisition of liberty and property. The misery of the French peasant before 1789 was not caused by the absence of a Poor Law, but by his long retention in a state of feudal servitude. In England feudalism was earlier and more successfully dissolved; the fact that a Poor Law of a larger and more definite shape was superadded on a society successfully emerging from a condition of feudal servitude has probably retarded civilisation quite as much as it has warded off revolution. Indeed, a believer in the high destiny ensured to mankind in the gradual evolution of freedom will be disposed to assert that what it has warded off is not revolution but civilisation.

The prominence lately given to Socialist theory has helped to bring into relief the real issues which underlie the theory of Poor Law administration. Hitherto the matter has been left entirely in the hands of the

practical man, and though it is possible to see the working of the principle here suggested throughout the whole range of Poor Law history, the mind of the legislator has only occasionally been influenced by theoretical considerations.

Thus, though legislative theory has never regarded the Poor Law as a constructive force, but only as a palliative, it has not always realised that, whether the law-giver wishes it or not, the provision of a maintenance for that very vague class of persons who are described as destitute is a constructive principle for the absorption and aggregation of population.

The liberal application of the palliative has undoubtedly at different periods of Poor Law history attracted a population which, otherwise, had been absorbed in the economic world of industry. Legislation of a deterrent character has then been directed to mitigate this evil, till, after a period, the evil is forgotten, in dislike of the deterrent measures which have been used to restrain it, and the pendulum of public opinion swings back to the other extreme.

In the history of the Poor Law Amendment Act, 1834, we are narrating the course of one of these waves of public sentiment. To understand it, we must study the evils of the old law; the panic of the public before the ruin that threatened; the steps taken by the political leaders of the day to direct the public sentiment to acceptance of the measures which were deemed necessary for its reform; the new constitutional expedient of delegating the legislative authority of Parliament and entrusting the introduction of an unpopular but necessary reform to a non-elective Commission composed of three salaried public servants; their partial success in persuading the democracy to relax its hold on the fatal inheritance of the poor-rate; the ever-recurring tendency of the proletariat, at every industrial crisis, to return again, under the guidance of

plausible and reckless politicians, to the stall-fed servitude from which it has been laboriously emancipated.

There probably never was a point of time when it was possible for the legislature to deliberate whether it would have a Poor Law or not. The village community, as Mr. Seebohm has well said, is the shell of serfdom; and serfdom is in itself a system of Poor Law. Feudalism is a later development of this condition of status, and no part of the feudal system is more detailed and precise than the regulations which are laid down for the management of the poor. The Poor Law is not therefore a device invented in the time of Elizabeth to meet a new disease. The very conception of a society based on status involves the existence of a Poor Law far more searching and rigid in its operation than the celebrated 43 Elizabeth, cap. 2. The condition of status was in process of being displaced by the condition of contract before it was possible even to conceive the philanthropic motive which, to some extent, prompted the legislation of the time. The Elizabethan regulations for the management of the poor represent a relaxation of discipline as compared with the more detailed regimentation of the feudal system. At the same time, this legislation had its reactionary aspects. Though philanthropic in its expression, early Poor Law legislation took the form of an attempt to restore the expiring system of slavery.

The contrast between primitive society and modern civilisation is most effectively presented by adopting the language of Sir Henry Maine, and characterising the first as a condition of status and the second as a condition of contract. The process by which nations pass from a primitive to a modern organisation is, of course, incomplete. We cannot pause to argue whether the passage of a nation from the old order to the new is or is not a gain. It is enough that it is inevitable. Old

remedies, for evils inherent in human nature and society, cease to be applicable, when the society which invented them has been reorganised on a new basis. The history of the English Poor Law is the history of an attempt to make poverty a status endowed with its own special source of maintenance, in defiance of those economic causes which were inevitably destroying all forms of status, and reconstructing society on the basis of contract. The ideal which underlies the condition of contract is that services and labour have an exchangeable value. This secures the maintenance of the able-bodied. The case of infancy, old age, and other forms of incapacity are manifestly the responsibility of the able-bodied, either collectively or individually. The collective provision is appropriate to the then expiring condition of status ; personal or individual responsibility is just as clearly appropriate to a society whose activities are regulated by contract. A wide diffusion of private property, not collective property, is the obvious and natural method by which the risks of the *unable-bodied* period of life are to be met. Personal liberty, private property, and the right of free exchange are therefore expressions which epitomise the economy of modern civilisation.

With the disappearance of feudalism we might have expected that there would also have disappeared the custom which made the poor a charge upon the manor or parish of which they had formerly been the serfs. This, however, did not happen, and a history of this survival of mediæval custom is the history of the English Poor Law.

This truth has not been overlooked by Mr. Senior, whose intimate connection with, and responsibility for, the Act of 1834 invests his exposition of the philosophy of the situation with more than ordinary interest.

"The evils of slavery," he says (article on English

Poor Laws, *Historical and Philosophical Essays*, vol. ii. p. 47), "are now understood; it is admitted that it destroys all the nobler virtues, both moral and intellectual; that it leaves the slave without energy, without truth, without honesty, without industry, without providence; in short, without any of the qualities which fit men to be respected or even esteemed. But mischievous as slavery is, it has many plausible advantages, and freedom has many apparent dangers." The slave is docile and obedient, but the newly emancipated serf often misuses his freedom and turns to idleness and debauchery. The change is inconvenient to masters and is often conceived of by the philanthropist as injurious to the labourer himself. "The great motive of the framers of the earlier English Poor Laws"—Mr. Senior continues—"was to remedy the . . . class of inconveniences which affect, or appear to affect, the master. The motive of the framers of the later Acts again, beginning with George the First, was to remedy the . . . class of evils which affect the free labourer and his family. The first set of laws were barbarous and unskilful, and their failure is evident from their constant re-enactment or amendment, with different provisions and severer penalties. The second set had a different fate —they ultimately succeeded, in many districts, in giving to the labourer and to his family the security of servitude. They succeeded in relieving him and those who, in a state of real freedom, would have been dependent on him, from many of the penalties imposed by nature on idleness, improvidence, and misconduct. And by doing this, they in a great measure effected, though certainly against the intentions of the legislature, the object which had been vainly attempted by the earlier laws. They confined the labourer to his parish; they dictated to him who should be his master; and they proportioned his wages not to his services,

but to his wants. Before the Poor Law Amendment Act, nothing but the power of arbitrary punishment was wanting in the pauperised parishes to a complete system of prædial slavery."

The whole of our Poor Law legislation turns on the various interpretations given at different times to the duties and rights of settlement. At first the whole object of the legislature was to confine the serf to the place where his labour was due. As Dr. Burn has remarked, the penalties enacted against the recalcitrant serf "make this part of English history look like the history of the savages in America. Almost all severities have been inflicted, except scalping."[1]

The intention of the earlier legislator was to maintain the system of feudal villeinage. If we please, we may describe the motive as tyrannical. It is more important to observe that it largely failed in its object. The preamble of the 13 Car. II. cap. 12, recites that "By reason of some defects in the law poor people are not restrained from going from one parish to another, and therefore do endeavour to settle themselves in those parishes where there is the best stock." Adam Smith, in an often-quoted passage, declared that every workman in England had been injured by this ill-contrived law of settlements. Sir Frederic Eden, however, who on such a point is a higher authority than even Adam Smith, has recorded his conviction that the evil effects of this law had been exaggerated, not because he denied its vicious principle, but because it could be generally and successfully evaded.

The retention of the labouring population in its servile condition was not effected by positive enactments with regard to settlement. It has been well remarked that a measure to repeal the mischievous legislation of earlier times might have begun with a preamble setting forth that, "by reason of some

[1] *History of Poor Laws*, p. 120.

defects in the law, poor people are restrained from going from one parish to another, and therefore become settled and congregated in those parishes where there is least stock to support them." The "defect in the law" which brought about this untoward result has not been any positive enactment, but the far more insidious encouragement held out to the labourer to rest content in his bondage, and to rely on the guarantee of maintenance and employment at the place of his settlement. It was the philanthropist and not the tyrant who thus succeeded in binding the captive fast.

It is not easy to determine at what point the Poor Law ceases to be a measure of feudal police, and becomes one of modern philanthropy. The reign of George the First is selected by Mr. Senior as the period of division, but the two motives are mixed in inextricable confusion throughout the whole series of Poor Law enactments. From the ecclesiastical point of view, the manor, the place where the labour of the serf is due, is the parish; and from the earliest time the administration of public relief and the regulation of labour were closely connected. The relief question gradually became the more important, and was confided to the parish authorities, — first as a duty to be performed by the voluntary charity of the Christian community, and later by the aid of a compulsory rate.

It is important to insist on the continuity and antiquity of English Poor Law policy. Its origins lie back in prehistoric times. We begin with the village community, and we issue into historical times to find a semi-servile population owing service to the lord of the manor. The serf was not permitted to leave the place where his labour was due. For long years there was a perpetual struggle between the feudal superiors of the agricultural serf and the towns to which he tried to escape for the purpose of acquiring his freedom and

right to labour at a craft. This assumption that the country is mapped out into communities or manors, and that each man had a place where his work and his maintenance was due, is the origin of settlements. In earlier times we find the high hand of authority bringing back the wanderer to his place of servitude. Later, it is the ecclesiastical and then the civil power urging, and then insisting, that each parish or each hundred shall be responsible for the maintenance of its poor. During the period of the decay of agriculture and the increase of sheep-farming, or, to speak more generally, when new industries arose and old ones shifted their seat or decayed, it became necessary that this system of caste should end, and that labour should migrate freely at the call of the market. This movement of population apparently did take place. Towns grew rapidly. The ordinances in restraint of the mobility of labour were evaded. Instead, however, of seeing that this migration of men was a necessary accompaniment in the changed course of trade, parish authorities and exclusive trade guilds united in an endeavour to exclude the migrant population from places where there was "stock" or employment for their support. Capital was free to migrate, but labour was imprisoned in the place of its settlement. The inevitable enclosure and private appropriation of land went on. The security, therein implied, was a necessary preliminary to the improved system of industry then beginning, but the desirable migration of the population was restrained. Because some men "begged at large," all were prohibited from seeking work at large. The burden of maintaining the poor, under these repressive conditions, naturally increased. The Act of Elizabeth merely marks a stage in the process. Agriculture had ceased to be the sole industry of the country, but migrations of labour, and the distribution of the population in accordance with new economic

conditions, were forcibly restrained. The legislature does not seem to have grasped the fact that the new wealth or "stock" would be able to maintain an increasing and independent population. It realised, however, that landowners were not the only persons able to contribute, and by the Elizabethan statute the obligation to maintain the poor is expressly laid upon all owners of stock, on personalty as well as on land. This intention of Elizabeth's Act was not carried out. Subsequent administrators, as Sir Matthew Hale[1] has pointed out, "lay all the rates to the poor upon the rent of land and houses, which alone, without the help of the stocks, are not able to raise a stock for the poor, although it is very plain that stocks are as well by law rateable as lands both to the relief and raising a stock for the poor."

Similarly, the 13 & 14 Charles II. cap. 12, did not invent the law of settlement and removal. Formerly the power of removal lay with the superior lord of the runaway serf. In the course of events, manual labour had ceased to be in demand in the rural parishes, and the superior lord had no interest in bringing his serf back to the land, but rather the reverse. In the spirit of the feudal polity the power of removal was still maintained, not indeed for the sake of the parish which sought to fetch back a fugitive serf, but for the sake of the parish which was invaded by a new claimant for support. The power of "bringing back" had fallen into desuetude; it was revived again as the power of "driving out."

To sum the matter up, in following the development of Poor Law legislation, we watch society struggling to free itself from the fetters of a primitive communism of poverty and subjection, a condition of things possessing many "plausible advantages." Legislation for the management of the poor has often impeded, and

[1] In his *Discourse touching Provision for the Poor*, published in 1683, six years after his death. See Burn, p. 146.

only occasionally expedited, this beneficent process. It is idle to stigmatise the philanthropic motives assigned for this legislation as hypocritical. It was often, as we can now see, unwise and mischievous. It proceeded from ignorance of the true nature of progress, and from a denial or neglect of the power of absorption possessed by a free society.

Subject to these remarks on the more remote origins of Poor Law legislation, the Act of 1601, the 43 Elizabeth, cap. 2, is the statutory foundation of our English Poor Law.

It has frequently been remarked, notably in the Poor Law Commissioners Report, 1832–34, that the evils of the old Poor Law were mainly produced by a departure from the provisions of the 43 Elizabeth, cap. 2. More particularly, it has been pointed out that by that Act no provision was made for the able-bodied who had a trade. The legislature had not then conjured up the case of the *industrious poor* as one calling for its intervention. In an admirable and learned dissertation on Local Acts, contained in the Ninth Report of the Poor Law Commissioners, Mr. Twisleton repeats the generally received opinion in these terms: "Again, no widely spread evils might have been felt if the Act of Elizabeth had been strictly construed according to what seems to be the plain meaning of the words, so as not to recognise individuals, who used any ordinary or daily trade of life to get their living by, as objects of parochial relief." He feels bound, however, to add in a note that he has "found no trace in any old writings of this interpretation of the Act." The wise prescience of the legislature of Elizabeth has, in truth, been largely exaggerated. If the Act designedly excluded the earner of wages from its operation, we might have expected to find the restriction more clearly indicated and defined. The experience of three centuries of Poor Law administration has

taught the most unobservant that "strict construction" is not a course to be expected of the local authority.[1] In truth, the Government of Elizabeth was not in this matter any wiser than the age in which it lived, and certainly strict construction, and a conception of the evils involved in a departure therefrom, have rarely entered into the mind of the local administrators who for many generations have been called on to administer the provisions of this law.

Thus at the beginning of the seventeenth century were legally established the initial forces whose interaction during three succeeding centuries form the history of the English Poor Law. Hitherto, and up to this date, we might regard the progress of civilisation in England as consisting in the gradual decay of the primitive conditions of status and the substitution of an honourable form of interdependence, based on an exchange of services, and supplemented, where purely economic considerations failed, with action prompted by the natural love and affection inherent in the idea of the family and of society. To these honourable methods of interdependence was now added a new force.

Amid the general dissolution of status which the advance of civilisation implies, and the re-organisation of the population under the guidance of the principle of contract, a new legislative status, the status of pauperism, has been artificially created and preserved.

The history of the Poor Law is nothing more than a narrative of the varying fortunes of the conflict

[1] The elasticity of "local construction" is at times very remarkable. The chairman of a board of guardians was recently explaining how his board was in the habit of granting passes to allow able-bodied male paupers to go out of the workhouse to look for work, leaving their families in the meantime in the workhouse. A doubt was expressed as to the legality of the practice. The narrator admitted this, but added that the board met the difficulty by arguing that paupers leaving the house under such conditions were still "constructively" in the workhouse. The force of construction could not go further.

between the absorbent forces of a society based on contract and exchange, and the dead weight of a population artificially held back in a condition of status, and so rendered impervious to the quickening influence of our modern associated life. Human life is for ever pressing against the limits of subsistence. These limits in a healthy industrial society are never overtaken, but are continually expanded by progressive conquests over the brute forces of nature, and by a better economy and subdivision of labour. Beyond this the natural instinct of benevolence, which has prompted civilised nations to convert one aspect of an expiring feudalism into a Poor Law, would enable a free society to carry, without the aid of legislative action, a certain proportion of parasitic dependents, who rendered and could render no service to the purely economic expansion of society. The burden undertaken by private benevolence may be a dead weight, but it cannot become an active centre of disease. The voluntary principle by which it is nourished has a healing and antiseptic influence, and contains no widespread advertisement of the advantage of unsocial habits. A voluntary course of action which is followed by evil results can be abandoned. It is only when the burden created by unsocial misfortune and habit has been given a legal provision that the dependent principle of life becomes a permanent and active competitor of the economic interdependence by which a healthy industrial society grows and expands. As will be abundantly shown in the course of this narrative, when once a right to relief has been acknowledged, when a certain vague title to a common property in the poor-rate has been legally established, the difficulty of amendment is stupendous. Poor Law legislation has unfortunately, from the very nature of the case, a greater permanence than any other form of legislation, and error once committed quickly creates a party so

deeply interested in its continuance that it becomes almost impossible to eradicate it.

If the foregoing analysis of the origins of pauperism is correct, there is no question, as Mr. Babbage suggests in the passage quoted on the title-page of Sir G. Nicholls' *History*, of society arriving for the first time at a class so miserable as to be in want of the common necessaries of life. It is rather the conscience of the community becoming alarmed for the first time at a state of things which has long existed, a fact which in itself, as Mr. Spencer has pointed out, often marks the beginning of amendment and reform. The motives for a Poor Law are curiously compounded. Religion, philanthropy, fear of revolution, a belief in the sufficiency of archaic social regulation, have combined in different proportions and at different periods to fashion our English Poor Law. Modern speculation, aided by the light of history, may suggest that a wiser philanthropy would have hesitated before creating new and permanent conditions of degradation, that the risk of revolution should have been faced in the certain expectation that the unimpeded course of industrial progress has sufficient power of absorption, that the archaic condition of status must be abandoned, and the future confidently faced under the guidance of contract and freedom. The Christian religion also tells us to consider the poor. It no more seeks to define the best methods of public relief than to direct the art and practice of surgery. If, then, legislation, which to an earlier generation appeared to be demanded by religion and philanthropy, has resulted in the degradation of the poor, both philanthropy and religion combine to urge on the present generation that the system was not well-considered, and that it must be amended.

The empiricism of practical politics, ancient and modern, has always been averse from any theoretical

treatment of the subject. We are eager to recognise and to utilise natural laws as they are disclosed to us by the physical sciences, but legislation seems always to have ignored or denied their operation in a matter of such paramount importance as the growth of society. "The management of the poor" has been so handled, and become so complicated by the creation of a pauper population, that the policy of retracing our steps, the method of reform required in the present case, has become insuperably difficult, and remedial measures must necessarily be tentative and gradual.

The right to relief, there can be no doubt, has to some extent created its own population. There are those who think that no legislative safeguard can deprive a public guarantee of maintenance of its ruinous character. There are those again who argue that, as reformed by the Poor Law Amendment Act, and when properly administered by local authorities, our modern English Poor Law system is a marvel of administrative wisdom. The practical question is, how to administer the law that "additional crowds" of applicants are not attracted to it, and how, with a due regard for humanity, to give to the pauper population already created, a repulsion from the Poor Law, and a tendency to enter on a life of independence; to impart to pauperism, as it has sometimes been said, a movement that, relatively to the Poor Law, is centrifugal rather than centripetal.

The elements in the problem are the right to relief, the limitation of the right to relief, and the crowds of additional applicants. The sordid pageant unfolded in a history of the Poor Laws is concerned with the struggle between these contending forces.

CHAPTER II

THE ORIGIN OF THE IDEAS CONTAINED IN THE REPORT OF 1832–34

The Report of Sturges Bourne's Committee, 1817—Mr. Hyde Villiers' letter to Lord Howick—Some anticipations, Mr. Saunders' Observations, Mr. Colquhoun, Mr. Bracebridge—The appointment of the Royal Commission—Mr. Senior, Mr. Chadwick, Chadwick and Bentham—Bentham's pauper management—Mr. Sturges Bourne, Sir G. Nicholls, Mr. Whately, Mr. Baker, Mr. Lowe.

Anterior to the inquiry of 1832–34, the most important document in Poor Law controversy had been the report of the committee of 1817, commonly known as Sturges Bourne's Committee. That report was drafted by Sir Thomas Frankland Lewis, a fact which is interesting in view of his subsequent appointment as one of the first Commissioners under the new Poor Law. It contains a diagnosis of the disease of pauperism, and a warning as to the danger in which the country stood, quite as explicit as anything which is contained in the more celebrated report of 1834. "Unless some efficacious check be interposed, there is every reason to think that the amount of the assessment will continue, as it has done, to increase, till, at a period more or less remote, it shall have absorbed the profits of the property on which the rate may have been assessed, producing thereby the neglect or ruin of the land, the waste or removal of other property, and the utter subversion of that happy order of society so long upheld in these kingdoms." The philosophic part of the report, as it was afterwards called, contained reflections of this character, and adopted the view of Ricardo and

Malthus, that a Poor Law was a measure of extreme danger, if not of unavoidable ruin; but though calling for an efficacious check, it failed to indicate how such a check could be applied.

The political situation was not yet ripe for the strenuous action which the crisis required. A representative Government, elected by a comparatively narrow franchise, was of necessity weak and timid when confronted with the task of curtailing a fund which, by sophistical reasoning, was represented as peculiarly the property of the poor. It is very noteworthy that the reform of the Poor Law was carried by the first parliament, elected on the more democratic franchise, created in 1832. The conjuncture of circumstances in 1834 was probably more favourable to the reform then undertaken than anything that has arisen either before or since. The Government of Lord Grey was in a sense a strong Government; it had the confidence of the new democracy, and some licence was given to it to deal in drastic fashion with this so-called national fund. At the same time, the Government, though democratic, was not a mere body of delegates. Its members were tinctured, if not fully possessed, by the scientific ideals of Bentham and the philosophical radicals. Our history will show how even a Government so composed and so situated could not approach the reform of this difficult subject by means of direct legislation, but found themselves compelled to have recourse to indirect legislation introduced gradually and tentatively through the authority of a non-elective and autocratic body.

Apart from the more favourable political surrounding of 1832, as compared with 1817, the Royal Commission of 1832–34, encouraged probably by the consciousness of the great opportunity within its grasp, handled the subject with conspicuous boldness and ability. It left, in fact, very little for the Government to do but to accept its detailed proposals, and to appoint a permanent

Commission, fully imbued with the doctrine of the report, to stand between the executive Government and the unpopularity which would inevitably be aroused by meddling with the hornet's nest of vested interest and abuse. It required no great insight to see what were the evils of the existing system, and the conclusion that some restriction of the facilities for relief was absolutely necessary was equally obvious.

The salient features of the episode of the Commission may be briefly summarised. The public was thoroughly alarmed. The Commission, in a perfectly legitimate manner, did its best to increase that alarm. They collected an enormous and overwhelming mass of evidence to show the impending ruin of the country. They exposed in most merciless fashion the incompetence and corruption of each and all of the authorities who administered the law, and they gave an artistic colouring to some portions of the evidence with a view of barring out certain alternatives which might be proposed instead of their own panacea, the establishment of a central control. They strengthened the argument in favour of abolishing parochial management by holding out expectation of economy by the formation of unions. They associated with this idea of economy, arising from large and public contracts and centralised management, the further idea of "aggregation for the purpose of segregation"; in other words, they put forward the idea that the formation of large unions would result in better classification. They made much of the advantage gained in private enterprise by a subdivision of labour, while the triumphs of science in improving machinery were regarded as a reason for expecting a similar improvement in the functions of the State. These advantages were gained in the open market by the force of competition, but in the sphere of Government monopoly they must be supplied by a salaried staff of public servants possessed of special and

appropriate knowledge, and with special authority to force them on the attention of the local administrator. These and other considerations are marshalled in the most skilful manner to lend assistance to the recommendations of the Commissioners, and it is worth while to look round and see from what quarter they were severally borrowed.

Investigation by a Commission, with power of sending Assistant Commissioners to make inquiry on the spot, was at the time a novel expedient. A pamphlet, "*Remarks on the Opposition to the Poor Law Amendment Bill by a Guardian.* J. Murray. London, 1841,"[1] published anonymously, but evidently by a well-informed person, tells us something of the formation of this Commission. After reciting at some length the terrible demoralisation of the country under the pressure of pauperism, the author writes (p. 28) :—

"It was while the rebellion of the autumn and winter 1830–31 was raging, that power passed into the strong hands of the Grey Ministry. Among their many tasks, the most urgent, the most difficult, and the most dangerous was the amendment of the Poor Laws. The merit of having suggested the appointment of a Commission for the purpose of investigating the extent and the causes of the existing evils, and of devising remedies (at that time an unusual proceeding), belongs to Mr. Hyde Villiers, a remarkable member of a remarkable family, a statesman whose early death was a public calamity, which it is not easy to exaggerate. The merit of having embraced and improved this suggestion and of having carried it out belongs to

[1] The pamphlet has been generally ascribed to Mr. Nassau Senior, and the author is informed by Mr. Murray that, though in the books of his firm the transaction stands in the name of Sir G. C. Lewis, at that date a Poor Law Commissioner, the copies were disposed of in fairly equal portions between Sir George Lewis and Mr. Senior. From internal evidence, there is no doubt that some of the statements in it came from Mr. Senior.

Lord Brougham. To him we owe an administrative invention which has increased tenfold the efficiency of Commissions, the dividing the Commissioners into a Central Board and itinerant assistants, the duty of the latter being to collect facts and opinions, that of the former to direct the inquiry, to digest the information, and to frame remedial measures founded on the evidence collected by their assistants. Lord Brougham[1] selected the Central Commissioners with a total absence of party feeling; and with equal wisdom and forbearance he entrusted them with the appointment of their assistants, and with the whole regulation of their proceeding."

The reference to Mr. Hyde Villiers, who was a brother of Mr. Charles P. Villiers, known to this generation as for long the father of the House of Commons, is probably based on a letter addressed to Lord Howick by that gentleman, dated from the India Board on 19th January 1832. A copy of this letter is among Mr. Senior's papers. The letter urges on Lord Howick the necessity of taking steps to remedy the abuses of the Poor Law. It reminds him of pledges given by his father, Earl Grey. It sets out the great difficulty of the subject, and points out that Sir Robert Peel, although he had always admitted the gravity and urgency of reform, had, while in office, refused to stir a step, notwithstanding the entreaties of Mr. Wilmot Horton.[2] The moment Sir Robert Peel was out of office he began to urge that the subject was ripe for legislation. This view he expressed strongly in the debate on the Emigration Bill. Nothing, Mr. Villiers urged, would please Peel better than to see the Government entangled in the difficulties attending a measure of

[1] In Bishop Blomfield's Life it is stated that the invitation to serve on the Commission was conveyed to him by Lord Althorp.

[2] See *The Causes and Remedies of Pauperism, a Defence of the Emigration Committee*, by the Right Hon. R. Wilmot Horton, M.P., late chairman of that Committee. Mr. Horton was a strenuous advocate of emigration.

Poor Law reform.[1] He suggested, therefore, that the Government should endeavour to evade this danger by the appointment of a Commission of Inquiry. In the existing state of public opinion neither the Government nor Parliament was a proper instrument for effecting an unpopular reform, more especially under the eyes of a watchful and possibly unscrupulous opposition. The responsibility for creating a suitable public opinion for effecting reform should be thrown on a body independent of party politics. The letter goes on to recommend that the Commission should contain Bishop Sumner, whose articles on pauperism in the *Encyclopædia Britannica*, in the writer's opinion, showed a wide and practical knowledge of the subject; Mr. Hodges, M.P., a gentleman who had taken a great interest in this question; a practical sessions lawyer; Mr. Nassau Senior; and Mr. James Mill, the father of J. S. Mill, as representing the Radical supporters of the Government.

In an article, "Able-Bodied Pauperism, by an Observer, 1835," reprinted from No. xxviii. of the *Law Magazine*, the writer mentions the "surprising intelligence" recently put forward in the *Quarterly Review*, that the idea of a central control emanated from that journal, and remarks: "We can state from good

[1] Whatever may be the justice of this estimate of Peel's conduct at that time, subsequent events exhibit that great statesman in a more magnanimous light. Though giving no active support to the passage of the Bill, he afterwards made himself responsible for its maintenance. In 1841, on the introduction by Lord John Russell of his abortive Bill for the continuance of the Commission, Sir R. Peel gave a straightforward support to the policy of the measure. In the course of the debate (*i.e.* on 8th February 1841) he made the notable admission that if a Conservative Government had attempted to pass the Act of 1834 it must have failed. An Act dealing in restrictive fashion with a fund of eight millions per annum, purporting to belong to the poorest, the most ignorant, and the most pitiable class of the population, required the patriotic co-operation of both political parties. Such co-operation would not have been forthcoming during his own party's tenure of office. This consideration which, as already hinted, we believe to be just, seems an adequate vindication of the earlier inaction of the Conservative leader.

authority, that the proposition had been entertained and matured long before the attention of the *Quarterly* was drawn to the subject; the first expression of its approval of any such plan having been elicited by the suggestion made in the summary of Mr. Chadwick's report as printed in the extracts from the evidence collected under the Commission."

This is the generally received opinion on the subject. The revival of the idea of central control in a practical form was due to the Commission, and probably more to Mr. Chadwick than to any one else, but, as has been the case with most inventions, here also there had been anticipations.

One curious and hitherto unnoticed anticipation of the recommendations of the Commission deserves a few words of mention. In 1799 Mr. Robert Saunders, of South End, Kent, a gentleman who appears to have served the office of overseer in the parish of Lewisham, published *Observations on the present State and Influence of the Poor Laws, founded on Experience.* This volume does not appear to have attracted much attention. There is no copy of it in the British Museum. Some years later, in 1802, Mr. Saunders published an abstract of this earlier work. His argument was as follows: "Parliament cannot possess the means of legislating with effect in improving the Poor Laws, or the public derive all that information and advantage which the collected practice of near thirteen thousand parishes might afford, unless there is an establishment for the purpose of arranging material, diffusing the knowledge of successful practice, and for furnishing Parliament with facts drawn up in a concise form from the unerring source of such extensive information." He then points out how an overseer's office is a medley of duties at once menial and highly autocratic. The Commission proposed should therefore be not merely a reporting but a controlling body.

"I do not recollect," he says, "that the appointment of Commissioners in the manner I have proposed has formed any part of preceding plans for managing the affairs of the poor, but the principle of superintendence and controul has been fully admitted by Mr. Gilbert, whose Bill recommended the nomination of County Commissioners and others possessing a general authority." Mr. Pitt's Bill also, he remarks, proposed County Guardians, salaried officers with great powers of control, who were directed to transmit their proceedings to the Privy Council. Elsewhere, Mr. Saunders remarks that his proposed Commission has a precedent in the Board of Commissioners for the affairs of India, an analogy to which attention was also called by Bentham.

His general conclusion in favour of a permanent Commission of Control may be given in his own words:—

"If there be a great national subject or public institution that requires the superintendence and controul of a Board of Commissioners more than any other, it is that of which I am speaking, where the detailed management of so many parishes must be arranged, and general conclusions pointed out from this extended practice, before Parliament or the public can ever have a clear and comprehensive view of the whole."

Mr. Saunders informs us that his proposal had received the approval of his "friend, Mr. Colquhoun, who has been so justly distinguished by his comprehensive and successful plans of general police," by Mr. Wood, the director of the Shrewsbury House of Industry, and by many other respectable gentlemen.

Mr. Colquhoun, in his treatise on Indigence, 1802, adopted this idea of a central control, but somewhat complicates it by calling it a "Board of Pauper and General Police." We do not find, how-

ever, that these anticipations were called to mind at the time when their adoption became a practical policy.[1]

Among contemporary tracts the following is one which should be mentioned—"*Parochial Rates and Settlements Considered*, etc. By a Country Justice. London, 1832," anonymously published by a gentleman of the name of Bracebridge. The tract is an expansion of the author's reply to questions 11 and 12 of a circular sent out by the Commissioners. He remarks, after criticising the existing law of settlement: "I must confess that as long as the law of settlement and consequent relief impounds, as it were, labour in restricted districts, compelling maintenance therefrom to the labourer, I do believe no effectual relief can be given, and, whatever may be done in minor matters, I must expect that consummation which the Poor Law Committee pointed out fifteen years ago."

His recommendations are—Overseers to be continued, a simplification of settlement, power to be given to magistrates to remove unemployed men to places where there is employment. Then he remarks: "Let there be a Board of Commissioners in London, established under Act of Parliament," with power to issue orders to unite parishes for certain purposes, and to organise a proper system of inspection. The Commission to keep some 14,632 running accounts. The overseers of each parish to pay the rates to these accounts, and the disbursement to be made by the board on demand of parish officers, certified by magistrates. He suggests five Commissioners, two chief clerks, twenty clerks, fifty-two local inspectors, etc., at a total cost of £21,000. He suggests also that

[1] It may be worth chronicling that the distinction between poverty and indigence is forcibly insisted on by Mr. Colquhoun, the latter term being used by him in the sense of destitution as now understood in Poor Law controversy, and in this sense it is used in the Report of 1834.

these five Commissioners might be increased by the addition of five honorary Commissioners.

The question of originality is interesting, but not important. The Commissioners of Inquiry were the first persons who had the opportunity of presenting with effective authority the policy, first of a Commission of Inquiry, and then of a Central Board of Control. There are probably other anticipations in the enormous masses of pamphlet literature on this subject.

A fortnight after the date of Mr. Villiers' letter, on the 1st February 1832, Lord Althorp announced the intention of the Government to appoint a Commission. He said "that the general question of the Poor Laws was a subject of great magnitude, and involved such a variety of important considerations, that any member of the Government or of that House would not be justified in bringing forward a measure that would apply generally to the whole collective system of the Poor Laws of this country. . . . He must observe that all the evidence which had been taken before the different committees on this subject had been derived from gentlemen who came before those committees with preconceived opinions on the subject, and who seemed to want a knowledge of the working of the different systems that prevailed in different parts of the country."

The Commissioners ultimately appointed were—Dr. Blomfield, Bishop of London, chairman; Dr. Sumner, Bishop of Chester, afterwards Archbishop of Canterbury; Mr. Sturges Bourne, Mr. Nassau William Senior, the Rev. Henry Bishop, Mr. Henry Gawler, Mr. W. Coulson, Mr. James Traill, Mr. Edwin Chadwick. The last two names were added during 1833.

The principal work of the Commission, in sifting and arranging the masses of evidence collected for it by the Assistant Commissioners, was performed by Mr. Senior, with the able assistance of Mr. Chadwick. It

becomes, therefore, a matter of much interest to trace the earlier and preconceived ideas which those gentlemen brought to their new and important duties.

It seems probable that originally Mr. Senior shared the prevalent idea that pauperism arose from a surplus population, and further, that he was hostile altogether to the principle of a Poor Law,—a view supposed to be held by Ricardo and Malthus and some of the most distinguished economists of the day.

In the introductory lecture on Political Economy, delivered at Oxford on the 6th December 1826, the third edition of which is dated 1831, Mr. Senior quotes with approval the words of a House of Commons Committee appointed to consider the expediency of encouraging emigration from the United Kingdom: "There are extensive districts in Ireland, and districts in England and Scotland, where the population is at the present moment redundant." In the preface to *Three Lectures on the Rate of Wages*, delivered in Easter Term 1830 (second edition, 1831), he says: "The only immediate remedy for an actual excess in one class of the population is the ancient and approved one, *coloniam deducere.*" This he describes as a preparatory measure to the introduction of other Poor Law reforms. These he does not describe in detail, but he generally urges the "putting an end to that unhappy system which in the southern countries has dissociated labour from subsistence." "But who," he exclaims, "in the present state of these districts, will venture to carry into execution a real and effectual alteration of the Poor Laws? Remove by emigration the pauperism that now oppresses these districts, and such an alteration, though it may remain difficult, will cease to be impracticable." . . . "The hostility of many, coupled with the indifference of almost all others, to any systematic plan of emigration is a ground for regret and alarm, considered not only as

a cause, but as a symptom. It is a lamentable proof of ignorance as to the real state of the country, or of carelessness as to its welfare, or of a determination to make no sacrifice for its relief." The fullest account of Mr. Senior's earlier opinions on the Poor Law is to be found in his *Letter to Lord Howick*, on a legal provision for the Irish poor. This is dated 11th August 1831. The letter was subsequently issued, with additions, as a pamphlet. The third edition bears date 1832. The most noteworthy of the additions are described as "some extracts from the evidence of Dr. Chalmers, taken before the Committee on the State of the Poor in Ireland; partly to show that my own views are supported by his authority, and partly in the hope of drawing attention to the whole of his evidence,—the most instructive, perhaps, that ever was given before a Committee of the House of Commons."

The argument employed by Mr. Senior is that a compulsory provision for medical treatment of disease and insanity is desirable, but he is opposed to a compulsory provision for the aged and for orphans. He does not dare to recommend a legal provision to be made for failure of crops, and he is "rather inclined to combat the evil with our present means, than to invoke against it the assistance of so dangerous an ally." To a system of legal relief for the able-bodied he is absolutely and entirely opposed.

From Dr. Chalmers' evidence, as cited with approval by Mr. Senior, the following extracts are made. "I look," he says, "upon a compulsory provision to be that which acts as a disturbing force upon certain principles and feelings, which, if left to their own undisturbed exercise, would do more for the prevention and alleviation of poverty than can be done by any legal or artificial system whatever." And again, "I think that old age is so much the general lot of human nature that it would strike too much into the providential

habits of the poor to make anything like a regular and systematic provision for it."

These quotations serve to show that Mr. Senior, at this date, shared to some extent Dr. Chalmers' objection to all Poor Laws. Subsequent events modified his opinion. The operation of the new Poor Law in England seemed to him to be safeguarded by the expedient of the workhouse test, and in 1837, when the Irish Poor Law Act was under discussion, Mr. Senior's authority, in its favour, was quoted by the promoters of the Bill. This drew from an able pamphleteer of the day the retort: "They quote Mr. Senior's authority, but, let me ask, has anyone seen a refutation of his letter to Lord Howick" (*Remarks on the Bill by Philo-Hibernus.* Ridgway, 1837).

There is ample evidence in Mr. Senior's previous writings that he was fully aware of the terrible maladministration of the Poor Law, but, previous to his work in connection with the Inquiry of the Commissioners, there is no indication that he had thought of the practical remedy of central control and the test of a well-regulated workhouse. Like every other thoughtful and humane man, he saw and deplored the terrible evils of the Poor Law; but while expressing himself as theoretically in favour of its abolition,[1] he does not appear to have conceived any practicable scheme of reform, beyond the suggestion that the pressure might be temporarily relieved and breathing time for consideration secured by promoting emigration.

The earliest indications of the growth, in his mind, of a practical policy is of a date later than the appointment of the Commission. Mr. (afterwards Sir)

[1] At the date of Lord Brougham's speech in the House of Lords, 1834, Mr. Senior had travelled some way towards a revision of his opinion (see p. 140).

George Cornewall Lewis, under date 9th October 1832, writes to his father, Sir T. Frankland Lewis, from Paris, that he has met Mr. Senior there, who is corresponding with Lord Brougham as to the results of the Commissioners' investigations. "Senior's principal suggestion is to take away the controlling power of the magistracy and to rest it, together with the duty of revising and auditing the accounts, in paid local authorities, who might also be employed for other purposes. Everything, I think, now shows that something is wanted in the rural districts more efficient than the amateur services of the justices" (*Letters of Sir George C. Lewis*, p. 12).

The question as to the necessity of a Poor Law engaged at this time much attention. The position is very well stated in a tract entitled: "*The Principle of the English Poor Law, illustrated and defended*, etc. By Frederick Page, Esq., one of His Majesty's Deputy-lieutenants for the County of Berks, 1822," a learned and philosophical work on the necessity of Poor Laws in general. The author was a friend and correspondent of Sir F. Eden. His conclusion, on historical grounds, is that a Poor Law is inevitable.

"*England* commenced with prædial slavery, progressed into charitable establishments, which degenerated into superstitious uses, and settled, after their violent abolition, into compulsory assessments.[1]

"*Scotland* has gone through all these gradations, but owing to the longer continuance of feudal and prædial servitude, and licensed mendicity, and emigration, has been later in the adoption of compulsory assessments; which is, however, the law of the land.

"*France*, where compulsory local assessments have not yet been established by law, but where the revenues of the State are applied directly, though

[1] The connection here traced between the confiscation of religious houses and the establishment of a poor-rate has no foundation in fact.

insufficiently, to the relief of indigence, and consequently mendicity is permitted and licensed."

Hungary, Poland, and Russia he describes as being still in various degrees of prædial servitude or imperfect emancipation from it. The argument seems irrefragable as far as it goes. Feudalism is a form of Poor Law in itself. The problem, which Mr. Page does not decide, is whether the modified feudalism of our existing Poor Law is capable of further disintegration. This is a question which the future only can answer.

The opposite view, namely, that the abolition of the Poor Law is an object to be sought after and expected as the result of an advanced civilisation, is well expressed by Sir Culling Eardley Smith, Bart., in a pamphlet entitled: *Suggestions addressed to the Secretary of the Poor Law Commissioners*, 1835. He is dealing with the question of certain places which enjoyed an extra-parochial immunity from poor-rate, and he says: "If the system of compulsory relief is regarded as essential to the well-being of a State, however perfectly civilised, . . . then clearly, this not being an age for exclusive privileges," . . . these immunities should be abolished. "If, on the contrary, the Commissioners are of opinion that the Act of Elizabeth and the Poor Law are only as feathers on a stream, indicating a transition from barbarism to civilisation, and that in process of time compulsory relief will, *functus officio*, disappear, and its place be occupied by provident habits and spontaneous charity; then I trust the legislature will not disturb the immunities of extra-parochial places where benevolence, though not enforced by statute, is nevertheless far from deficient; but will leave them as landmarks and examples for the guidance and imitation of the community in its gradual approximation to a similar system."

The question proposed — Is it possible for a civilised community to dispense with a Poor Law? may seem purely academic, but in truth the answer which we give to it involves a theory which is not without its influence on practice. A Poor Law is a smaller restraint on liberty than feudal servitude, but the economy of a society supporting itself by free exchange, supplementing the shortcomings of such a system by the voluntary acknowledgment of the ties of kinship and neighbourhood, presents to some minds a higher and yet a practicable ideal towards which society ought ever to strive. It is the conception of this perhaps distant ideal which induces men of admitted benevolence and goodwill to urge a gradual and unceasing restriction of legislative attempts to make charity compulsory.

Mr. Chadwick was born at Longsight, near Manchester, in 1801; died at East Sheen, 5th July 1890. According to a manuscript memorandum[1] on his career, written by Dr. Bain of Aberdeen, who at one time was associated with him at the Board of Health, he became acquainted with John Stuart Mill somewhere about 1828. He was a frequent visitor at the house of James Mill, and, according to Dr. Bain, was at one time ambitious of uniting himself by marriage with a member of the Mill family. Through his connection with the Mills, or, as it is otherwise represented, by reason of certain articles contributed by him to the *London* and to the *Westminster Reviews*, he became known to Bentham. Mr. Chadwick lived in Bentham's house during the last year of his life, and was invited to accept a provision which would enable him to devote his life to the exposition of the philosopher's views. This offer was declined.

[1] In the possession of Mr. Osbert Chadwick, son of Sir E. Chadwick, to whom the author is indebted for the perusal of this very interesting paper.

Mr. J. S. Mill took credit to himself for having introduced Chadwick to Mr. Senior, and at the instance of this last-named gentleman Mr. Chadwick was appointed an Assistant Commissioner. His report as Assistant Commissioner, which was of great length, and, as remarked by Mr. Senior, gave as much or even more information than all the rest of his colleagues put together, contains the essence of the recommendations subsequently made by the Commission. His zeal and energy and ability were recognised by the authorities, and in the course of 1833 he was admitted a member of the Commission, and in collaboration with Mr. Senior was charged with the preparation of the report.

Previous to his connection with the Commission of Inquiry, Mr. Chadwick had published several articles on social questions which had attracted considerable notice, among others from the venerable Jeremy Bentham himself. An article on the Medical Charities of France, and another on a Preventive Police, contain a forcible statement of the advantages of a centralised administration by experts as compared with the corruption and incompetency of parochial government. An article on the Means of Insurance is an ably written plea for applying scientific methods of inquiry to social problems, and contains a vigorous attack on the so-called "practical" man who despises the assistance of correct theory. The particular instance of this obstinacy which Mr. Chadwick attacked in this article was the denial by certain insurance managers of the increased value of life owing to the advance of medicine and sanitary science. This gives him an opportunity of pointing out the large reformation that was possible by the application of appropriate knowledge to sanitary problems. In these three articles we find more or less explicitly the germs of Mr. Chadwick's social philosophy. Even at this early period he had undoubtedly conceived many of the principles which were afterwards

applied in the reform of the Poor Law. We may summarise them as follows, and the reader will the more easily recognise them as they recur again and again in the controversies by which our subject is beset :—

1. The necessity of applying scientific knowledge to government administration.

2. The corruption and incapacity of parochial government. Mr. Chadwick saw the absurdity of expecting good work from administrators crudely selected by local franchise ; he will not, however, trust a central government's power of selection, *Quis custodes ipsos custodiet* ; he desired, therefore, to make great use of the method of selection by competitive examination.

3. The necessity of central control. Centralisation is not the same thing as over-government. The over-government is to be found in the licence of the local authorities. Centralisation is the cure for this.

4. As against the advocates of abolition, Mr. Chadwick always took a very sanguine view of the possibilities of Poor Law and sanitary administration. His maxim was—Bring scientific ideas, formulated in the first instance after careful inquiry, to bear on our local administration. This can only be done by means of a central control, by the abolition of amateur and unpaid service, and the gradual introduction of a highly specialised civil service.

5. Many minor ideas were incorporated as supports or as corollaries to these fundamental principles. "Aggregate in order to segregate" was the maxim by which the formation of unions was afterwards supported. The economy of large operations was another principle constantly before his mind.

Mr. Chadwick did not ignore the useful assistance of the "practical man." The theorist is apt to overlook some point of detail which can only be set right by the assistance of the practical man. "Thus it is related,"

he says, "that when one of the great inventors of the machinery which has served as the foundation of so much of the national prosperity had constructed one of his most important and complex machines, in full confidence in the soundness of the inductions upon which he had formed it, he assembled all his friends to see it start. The power was applied, but lo! the machine could not be got to move. A shrewd, practical man who was present declared that he could make the machine work." He stipulated, however, for his reward, and, when his terms were accepted, he returned to the scene, took from his pocket a piece of chalk, with which he rubbed one roller to prevent the fibre of the cotton from adhering to it, and the vast machine worked completely and successfully (p. 13, article on "Means of Insurance").

The question has been raised how far Mr. Chadwick was indebted to Bentham for the ideas which he introduced into the counsels of the Commission of Inquiry. It is related by one who knew him well, that Bentham was perhaps the only man who ever inspired in him anything like a sentiment of veneration. At the same time, he steadily maintained that, as far as his own work was concerned, he was not at all indebted either to the Mills or to Bentham. He obtained from them sympathy and encouragement, but his contrivance was altogether his own.

Bentham died in June 1832, just at the time when Mr. Chadwick's public career was beginning, but there can be little doubt that the principles which Mr. Chadwick applied with so much originality and zeal were derived from the teaching of Bentham. Chadwick's personal relations with Bentham have already been noticed. It remains to point out the similarity of the general attitude towards the Poor Law which characterised both master and disciple.

The stupidity of the practical man who refuses to

look at the theoretical aspects of a subject was a favourite theme with Bentham, with the elder Mill, and with Mr. Chadwick. They insisted on the necessity of applying correct theory and appropriate knowledge to public affairs. Government is a monopoly, and the force of competition is not readily made available for the improvement of its methods. For this reason Mr. Chadwick always insisted on the advantage of public tender for Government contracts and of competitive examinations for the selection of officials. Throughout the creed both of Bentham and Chadwick there runs a very optimistic vein which hopes for great reforms as the result of applying scientific ideas to government.

Scientific centralisation is better than ignorant and corrupt local management, but a solution brought about by the appropriate development of the individual habit and character, and the voluntary enterprise which is the result of their interaction, is preferable to both. This, however, is a modern conception which we owe to the evolutionary speculations of Mr. Spencer. If there be any truth in this view, the utilitarian philosophy of Bentham, which is nothing if not practical and opportunist, must recognise its force, and shape its recommendations accordingly. Mr. Chadwick's experience to some extent obliged him to take cognisance of this view with regard to the Poor Law, but to the end of his long life he was emphatically a man of schemes, cherishing an ardent faith in the value of great constructive legislative measures.

A brief reference to Bentham's more detailed views on Poor Law administration will show that many of the arguments adopted by the Poor Law Commissioners had already been advanced by him. In the eighth volume of his collected works certain tracts on the Poor Law are reprinted from the *Annals of Agriculture.* Bentham had originally intended to publish two octavo

volumes on the subject, to be entitled "Pauper Systems Compared" and "Pauper Management Improved." Under date 8th September 1797, he addressed a letter to Arthur Young, the editor of the *Annals*, enclosing a list of questions and tables which he hoped the readers of the *Annals* would answer and fill up, and so provide him with "a general map of *pauper land*, with all the roads to it."[1] In subsequent numbers of that journal he published an "Outline of a Work entitled Pauper Management Improved." Under the title the following note is printed: "To be filled up and the work published in one volume octavo, as soon as a sufficient number of the communications solicited in Vol. xxiv. No. 167 of the *Annals of Agriculture* have been obtained." The elaborate information asked for was probably not forthcoming, and though the editor of Bentham's works gives us to understand that a fuller treatise existed among Bentham's manuscripts, the "Outline" above mentioned is all that he published on the subject. We may note that this attempt at preliminary inquiry on the spot anticipates the plan followed in the reform of 1834.

It would be too long to give a full account of this ingenious and interesting paper, but the following points may be selected as of especial interest:—

1. The Managing Authority is to be a joint-stock company somewhat on the model of the East India Company.

2. The General Scheme of Provision is to be by means of *appropriate establishments*, *e.g.* hospitals and industry houses, on a large scale. *Separation* and *aggregation* is the principle of classification.

3. Ways and Means are to arise from the annual produce of the poor-rates as at present paid; the produce of the pauper's labour; voluntary donations; present endowments; produce of lands to be bought, etc. The capital of the company is to be divided into

[1] See A. Young's *Autobiography*, p. 308.

small shares, in order that this exercise of benevolence may be more widely spread.

4. The CONSTITUTION provides for a Board of Directors, with a governor and sub-governor. The qualification to be the same as for directorship in the East India Company.

5. COERCIVE POWERS for the extirpation of mendicancy are to be vested in the directors.

6. LAND PURCHASING POWERS are also to be conferred.

7. The OBLIGATIONS are the giving of appropriate relief, the sharing of profits with the ratepayers, and a great variety of other philanthropic projects, *e.g.* post-obit benefit banks, frugality inns, veterinary or cattle disease lectures, militia exercise, etc. The author then quaintly remarks: "The weight of all this business, very inconsiderable, in respect to its pressure upon the intellectual faculties of the Board of Directors, in comparison with that which is sustained by the East India Directors (see Book V. Chap. V., 'Prospect of Success')."

8. RESTRAINTS. Precautions to be taken against stock-jobbing and bubbles, etc.; dividends to be declared three months before payment. King in Council to reduce them if excessive.

9. ORDER OF DIVIDENDS. Company to take 40 per cent., the parishes 60 per cent.

10. PROVISION FOR EXISTING INTERESTS. Existing workhouses and hospitals to be taken over, and compensation given to persons enjoying lucrative employments.

11. DIRECTORS' OATH to be "not vague and general, but pointed and particular." *Inter alia*, directors will abjure "Electioneering, Speculation, Monopoly, and Bubbles."

In subsequent sections the "plan of management" is developed in minutest detail. The plan is in-

stitutional relief in appropriate establishments. Each establishment is to be constructed with a view to facilitating inspection. It is, in fact, the principle of the Panopticon applied to Poor Law administration. The governor's offices are to be at the centre, and the governed in buildings radiating from the centre.

This inspectability, to use Bentham's own term, was the salient principle in the penitentiary system, which he developed under the pedantic title of the Panopticon. The architectural features of the Panopticon were designed by his brother, Sir Samuel Bentham, a distinguished engineer. Bentham himself wished to be the contractor both for this and the pauper management scheme. A Bill embodying the penitentiary scheme was introduced by Pitt, and passed through both Houses of Parliament. His Majesty King George the Third refused to add his sign-manual to the Act, and the world has been deprived of the spectacle of the author of the Utilitarian philosophy sitting in a glass conning-tower inspecting and superintending the movements of the criminal and pauper population.

Consideration of this proposal, originally propounded in 1791, was suspended for many years, and finally, in 1811, a Select Committee recommended the abandonment of the plan. In 1813 Bentham received £30,000[1] as compensation for his losses in respect of this lapsed contract. In 1831 he published *A History of the War between Jeremy Bentham and George III., by one of the Belligerents.* In this he affirms that but for George the Third his pauper management scheme would also have become law.

Bentham, it is worth noticing, was at one time (*i.e.* in 1813) in partnership with Robert Owen in the New Lanark Mills, and his scheme of pauper manage-

[1] *National Dictionary of Biography* says £23,000; Hill Burton, in *Benthamiana*, as above.

ment is a practical application of Owen's more visionary theories.

Many of the maxims contained in these tracts undoubtedly anticipate the findings of the Poor Law Commissioners. Thus on p. 384, under the heading "Suitable Fare Principle," he writes: "Charity Maintenance.—Maintenance at the expense of others should not be made more desirable than self-maintenance." Again he says: "Luxury being a relative term, is applicable with as much propriety to the diet of the poor as of the rich. Luxury, if it does not render the condition of the burdensome poor more desirable than that of the self-maintaining poor, fails of its purpose."

These two propositions, rightly understood, contain the main principles of the Poor Law Amendment Act. (1) The condition of the pauper must be less eligible than that of the independent; (2) a considerable improvement in the material condition of the pauper, as compared with that of the independent labourer, is possible, if it is conditioned by the discipline and restraint imposed by the workhouse test.

The following states epigrammatically the position of those who, like Bentham and Chadwick, placed their hopes of reform on scientific legislation rather than on the automatic development of society through the voluntary and experimental adjustment of the individuals who compose it. Speaking of legislation generally, he says: "Wisdom, true wisdom, consists not in scantiness of measures, but in amplitude of means."

Again, like Mr. Chadwick, he attached great importance to the question of bookkeeping and statistics. Bookkeeping, in the form called the Italian, is, he says, a science in itself; further, "the multiplication of the number of books would render the business not the more complex (as at a first glance it might seem), but the more simple." This sentiment in almost identical terms occurs in the first report of the Commissioners,

(see p. 171). It is worth noticing also that the workhouse recommended in their early reports by the Commissioners, and illustrated by plans, is constructed on the principle of the Panopticon,—*i.e.* the governor's or master's quarters are in the centre, with appropriate accommodation for the classified inmates radiating from it to the circumference. The convenience of the plan is obvious, and though its general adoption was prevented in Poor Law establishments by the necessity of using old building, it was occasionally used, and has since been adopted to some considerable extent in prisons and penitentiaries. This form of construction has not in practice been very convenient,—not because of any fault in the system itself, but because it has not lent itself well to the many additions and modifications which have been deemed necessary in modern Poor Law establishments.

The theoretical views of Mr. Senior and Mr. Chadwick required at many points the assistance of the practical man with a bit of chalk in his pocket. This was supplied by the expert witnesses who appeared to tell what had been done at Southwell and Bingham, at Cookham and at Uley. The practical element was represented on the Commission of Inquiry in the person of Mr. Sturges Bourne, who had been chairman of a committee of the House of Commons which inquired into the Poor Law in 1817.

Sir G. Nicholls, in his History, and at greater length in a manuscript memorandum, tells how his attention was first drawn to the subject of the Poor Law by reading the report of Mr. Sturges Bourne's committee. Although slight and fragmentary as compared with that of fifteen years later, the report and evidence then laid before the public disclosed most if not all the abuses of the law, and directed attention to many successful though partial measures of reform. Considerable prominence was given in Mr. Sturges Bourne's

report to certain points, and it is not unreasonable to suppose that his presence on the new inquiry ensured that due attention would be paid to the aspects of the question with which he then became familiar. The practical result of Mr. Sturges Bourne's committee had been the introduction of the Vestry Act usually associated with his name. His committee had been duly impressed with the evil of the irresponsible management of the poor by overseers. There seemed some hope of amendment in creating a responsible and duly elected local authority. In 1832–34 it was easy to show that the select vestry, established by Sturges Bourne's Act, was often the seat of abuses quite as mischievous as those which occurred under the sole management of overseers. It was only a step further to ask for a responsible central control. The committee of 1817 throws out somewhat tentatively a suggestion for a subsidised friendly society, and suggests that in parishes where this plan was adopted it would be equitable to abolish the right of the poor to claim out-door relief from the justices, as provided in the 36 George III. cap. 23 and 54 George III. cap. 170. This, and indeed the whole tenor of their report, shows that they were alive to the necessity of restricting facilities for relief which had resulted in the enslavement and degradation of the working population. A subsidised friendly society was not to be the instrument of emancipation. This proposal for "swapping" one form of dependence against another did not recommend itself to the Commissioners of 1832–34.[1] The instrument of emancipation which they proposed was the offer of relief in a well-regulated workhouse. The idea that the present abuses must be replaced by something was thus made

[1] This suggestion has been revived in the present day by Mr. C. Booth, who wishes to bargain for an abolition of all out-door relief in exchange for a universal system of old-age pensions.

familiar. The substitute, however, was not to be a right to participate in another public fund, but an instrument which, while affording adequate relief, would altogether detach the poor man from his reliance on public funds.

In the report of the committee of 1817 the following curious comment on the law in Scotland occurs: —"The system . . . is peculiar to Great Britain; and even in Scotland, where a law similar in principle was about the same period enacted, the intelligent persons to whom the administration of it has been intrusted, appear, by a valuable report (for which your committee are lately indebted to the prompt exertions of the General Assembly of the Church of Scotland), to have had so much foresight and judgment as to its effects, that they have very generally and successfully endeavoured to avoid having recourse for a compulsory enactment. Their funds therefore continue to be derived, except in comparatively few places, from charity, and are dispensed with that sound discrimination which, in the ordinary transactions of life, belongs to real benevolence"; and the committee of the General Assembly state: "That it is clear to them that in almost all the country parishes which have hitherto come under their notice, where a regular assessment has been established, the wants of the poor and the extent of the assessment have gradually and progressively increased from their commencement; and that it does appear to be a matter of very serious interest to the community at large, to prevent, as far as possible, this practice from being generally adopted, —to limit the assessments as much as they can be limited, when the circumstances of particular parishes render them unavoidable, and whenever it is practicable to abandon them."

This admission practically amounts to a condemnation of the whole principle of the English Poor Law.

The man who signed a report containing such a passage was naturally ready to support any plan which tended to assimilate the English system to the Scotch. Proposals for the abolition of the Poor Law were quite impracticable, but proposals for its curtailment and limitation united the theorist who had further designs, and the practical man who welcomed the general adoption of a tried experiment without troubling himself about the economic philosophy of the situation.

Sir G. Nicholls, in a manuscript account of his work at Southwell, has recorded how his attention was attracted to the evidence given before the committee of 1817 as to the condition of the unsettled labourers. Amid the general demoralisation of the rural population, one class of labourer seemed to retain its habits of industry, independence, and self-respect. These were the men who, by reason of an accident in the law of settlement, were shut out of benefit under the Act of the 43 of Elizabeth. Labourers who had left the place of their settlement, but who had not acquired a settlement at the place of their employment, could not claim relief without becoming liable to deportation to the place of their settlement. This condition often proved prohibitive, and had the beneficent effect of delivering the unsettled labourer from the enslavement of the Poor Law. The mere fact that a man had thus cut himself adrift from his right to parish relief seemed at once to emancipate him from the evil effects of Poor Law administration. It was obvious, however, that the settled poor, who composed the great mass of the labouring population, still lived under the enslaving law of settlement. They were, it is true, no longer prohibited from migrating, from deserting the overstocked industries of agriculture, and from adapting their services to the eager demand of an expanding industry, but by the insidious guarantee of relief held out to men who adhered to their hereditary residence

and their hereditary trades, the organising influence of freedom following on the decay of serfdom was frustrated; and under a thin disguise of philanthropy the fetters of feudal immobility and servitude were allowed to shackle the energies of the labourer in a permanent imprisonment.

The evidence of the sinister effect of this guarantee of relief was abundantly placed before the committee of 1817. They failed, it is true, to formulate any measure which would have the effect of setting the labourer free from this demoralising servitude, nor did they suggest that by assimilating his condition to that of the unsettled labourer, who was denied non-resident relief, his emancipation would be effected. This measure seemed too drastic, and the committee confined itself to a number of feeble generalities. At the same time, when in 1832–34 it was pointed out that the offer of the workhouse, as practised at Southwell and Bingham, had practically assimilated the condition of the able-bodied to that of the unsettled labourer, and that this policy also had proved an effective instrument of emancipation, the suggestion must have recommended itself at once to experienced observers like Mr. Sturges Bourne.

In addition to the past experience of the Commissioners themselves, practical knowledge of a most important character was collected by the Assistant Commissioners from a variety of witnesses. Chief among these may be mentioned the Rev. Mr. Whately of Cookham, Mr. Baker of Uley, Rev. Mr. Lowe of Bingham, and Mr. George Nicholls of Southwell. One of the most important publications on the subject was the Overseer's Letters[1] published by Mr. G. Nicholls in 1822.

In the dedication, to "James Scarlett, Esq., M.P."

[1] "*Eight Letters on the Management of our Poor*, etc. By an Overseer, 1822." This pamphlet was reprinted from the *Nottingham Journal*.

(afterwards Lord Abinger), the author remarks : " You will perceive, whilst perusing them, that I have retained my opinion as to any immediate alteration of our Poor Laws being unnecessary, towards accomplishing an abatement of the evils resulting from the present mode of administering them ; and that I am still persuaded that the country at large, and our magistracy in particular, have *now* the power (as it is assuredly in their interest and their duty) to effect a reduction of the poor-rates to, I think, one-half of their present amount ;—and I cite the examples of Bingham and Southwell as corroborative of this opinion."

The opinion is offered with diffidence, as it conflicts with that expressed by Mr. Scarlett in a private communication to the author, to the effect " that a sufficient degree of zeal and devotion to the object will never be likely to be generally diffused, nor a sufficient number of Individuals ever be found, who have the talents, the information, and the perseverance necessary to effect any very general or very durable reform in the Administration of the present System of Laws for the Relief of the Poor. Many instances have occurred of Local and *temporary* advantage resulting from the enlightened and zealous application of Persons of influence in their Parishes to stem the Torrent : but their efforts have not availed beyond their own limits, or the season of their own leisure—the principle of mischief is too vigorous and too universal, not to overcome the feeble obstacles that can be opposed to its progress by partial and individual struggles—whilst you protect for a time your own territory by a mound, the flood is rising all around, and must in the end overwhelm you."

CHAPTER III

THE ROYAL COMMISSION OF INQUIRY

A preliminary report entitled "Extracts"—List of the Assistant Commissioners—The drafting of the Report—Its contents—Out-door relief—In-doors relief—Objections anticipated from proprietors, employers, labourers—Considered in detail and answered—Historical retrospect as to the authorities charged with administration of the law—An earlier attempt to introduce institutional or workhouse relief considered—Reasons of its failure. NOTE ON THE EFFECT OF POOR LAW RELIEF ON WAGES.

LORD ALTHORP, as we have seen, announced the appointment of the Commission in February 1832. The selection of the Commissioners seems to have been intrusted to Lord Brougham, and the Commissioners were left free to appoint their own Assistant Commissioners. Much time was taken up in the preparation of instructions and questions, and in the appointment of the Assistant Commissioners. Only a few of these last, the report tells us, had proceeded on their mission earlier than August 1832. They were directed to furnish reports by the end of November, but very few were sent in till January 1833. In the meantime, however, a great mass of written replies to the questions sent out by the Commissioners had accumulated. Not wishing to suppress any evidence, the Commissioners decided to print all the answers. They obtained leave from the Lord Chancellor and the Speaker of the House of Commons to have the evidence printed, in anticipation of the orders of the two Houses, and it was placed in the printer's hands in February 1833. In the meantime the Home Secretary had asked the Commissioners to furnish something in the nature

of a preliminary epitome of the information in their possession. They accordingly asked each Assistant Commissioner to hand in such extracts from the evidence collected by them as they thought most instructive. The replies thus collected were published in the volume generally known as the *Extracts*,[1] and obtained a very large circulation.

The bulk of the evidence collected had considerably delayed publication, and even at the date of the report the evidence was not all printed; indeed, some of it was not printed till the year 1835.

It will give some idea of the magnitude of the Commissioners' labours if it is stated that the report and appendices, as ultimately published, consisted of fifteen folio volumes, containing upwards of 8000 pages. The Assistant Commissioners employed were—Messrs. D. O. P. Okeden, H. G. Codd, J. Wilson, C. H. Cameron, and J. Wrottesley, Ashurst Majendie, Alfred Power, D. C. Moylan, Capt. Pringle, Henry Stuart, Redmond Pilkington, Jos. J. Richardson, Capt. Chapman, Charles Hope MacLean, J. W. Cowell, Arthur J. Lewis, Henry Everett, J. Drummelzier Tweedy, Rev. Henry Bishop, and G. Henderson. The reports of the above-named gentlemen are contained in Appendix A. Part I. Appendix A., Part II., contains the reports of Messrs. C. P. Villiers, Henry Pilkington, Major W. Wylde, R.A., Rev. W. Carmalt, Steven Walcott, E. C. Tufnell, P. F. Johnson, and an additional report on Jersey by Mr. Ashurst Majendie.

The evidence collected by Mr. Chadwick was printed in a separate volume, Appendix A., Part III.[2]

[1] "*Administration and Operation of the Poor Laws: Extracts from the Information received from His Majesty's Commissioners as to the Administration and Operation of the Poor Laws.* Published by authority, 1833."

[2] In this it is stated that the remainder of Mr. Chadwick's evidence would shortly be delivered, but no further volume seems to have been published.

The remaining volumes consist of Answers to Rural Queries (5 parts, in as many volumes); Answers to Town Queries (5 parts, in 2 vols.); Communications from Various Correspondents (1 vol.); a Statement as to the Labour Rate (1 vol.); a Statement as to Vagrancy (1 vol.); Foreign Communications (1 vol.), with a valuable Preface of 104 pages by Mr. Nassau Senior. This Preface is dated 16th May 1835.

We now come to a consideration of the report itself. It was drafted in collaboration by Mr. Senior and Mr. Chadwick. The following documents will be of interest in this connection.

A tract entitled: "*Parochial Settlements; an Obstruction to Poor Law Reform.* London, 1835," by Mr. John Meadows White, the solicitor employed in preparing the Act, contains a prefatory letter to Mr. Nassau W. Senior, in which he says: "I venture thus to call your attention to the subject, not only on account of the high respect paid to your opinion, and the great share you had in the two publications above referred to (the Extracts of Evidence, 1833, and the Report of 1834), both of which, it is well known, were completely revised, and the greater part of one written, by yourself; but because I am aware, which the public is not, of the extent of your disinterested services in framing the Poor Law Amendment Act. All the instructions of the Government were received through you, and after its preparation by counsel, and during its progress through both Houses of Parliament, every clause and line, and I may say almost every word, with the exception of the Bastardy Clauses, and a few other additions by individual members of the legislature, were considered and revised by you."

In "*The Correspondence and Conversations of Alexis de Tocqueville with Nassau W. Senior.* London, 1872," there is a letter from Mr. Senior to M. de Tocqueville, under date 18th March 1835, in which the following

passage occurs: "The Report" (that is, the Report of the Commissioners to the King), "or at least three-fourths of it, was written by me, and all that was not written by me was re-written by me. The greater part of the Act founded on it was also written by me; and, in fact, I am responsible for the effects, good or evil (and they must be one or the other in an enormous degree), of the whole measure."

After the passing of the Act, Mr. Senior was consulted by the Government as to the merits of the various persons proposed to serve as the three new Commissioners. His testimony to the qualifications of Mr. Chadwick is as follows: "Chadwick is the only individual among the candidates, perhaps I may say in the country, who could enter into the office of Commissioner with complete pre-arranged plans of action. He was the principal framer of the remedial measures in the report, and was the sole author of one of the most important and difficult portions, the union of parishes." (Copy of letter among Mr. N. W. Senior's papers.)

Mr. Chadwick, writing some fifty years afterwards (*i.e.* in a volume entitled: *The Evils of Disunity in Central and Local Administration*, etc., 1885), writes as follows: "Mr. Barnes, however, the then editor of the *Times*, as stated in Memoirs, opposed the measure, and condemned it as being the product of only one brain. This impression was inevitable, as my report with the full exposition of my measure, distinct in plan and principle from every other Commissioner, either in or out of the Commission, was published with others. It was fully adopted by my colleagues of the Commission, who charged me with the preparation of the more full exposition of their general report, which I accomplished with some assistance in minor details from Mr. Senior."

Opinions may differ as to what constitutes a

"minor" detail, but these quotations practically confirm one another. The administrative system established by the Act was largely the invention of Mr. Chadwick, derived more or less consciously from the teaching of Bentham, while the literary arrangement of the report, and the deep impression which its disclosures and verdict made on the public mind, were the work of Mr. Senior.

The report, however, was the unanimous report of the Commission, and we must now give some brief account of its contents.

The report begins with a brief Statement of Proceedings. This is followed by a narration of the Progress of the Law from the Earliest Times to the Date of the Inquiry. After this recital the Commissioners proceed:

"It is now our painful duty to report that in the greater part of the districts which we have been able to examine, the fund which the 43rd of Elizabeth directed to be employed in setting to work children and persons capable of labour, but using no daily trade, and in the necessary relief of the impotent, is applied to purposes opposed to the letter, and still more to the spirit of that law, and destructive to the morals of the most numerous class and to the welfare of all."

The report then proceeds through some 270 folio pages (or 301 octavo pages without Index) to set out the abuses of the law and the remedial measures which were proposed for its reform.

"The great source of abuse," it begins, "is the OUT-DOOR RELIEF afforded to the ABLE-BODIED on their own account or on that of their families. This is given either in KIND or MONEY."

When given in KIND, it took the form of an exemption from rates and payment of rent, and sometimes, though less frequently, food and clothing was given at the expense of the parish. When given in MONEY, one of the following methods was usually em-

ployed :—I. Relief without Labour; II. The Allowance System; III. The Roundsman System; IV. Parish Employment; V. The Labour-Rate System.

I. Relief without Labour.—(*a*) This was sometimes given, generally in sums inadequate for the pauper's support, without any condition further than that the recipient should shift for himself and give the parish no further trouble. (*b*) More usually the pauper was required to give up a portion of his time, and was directed to sit in a gravel-pit, stand in the pound, or attend a roll-call. The object of this was to prevent the pauper's leisure from being a means of profit or of amusement. (*c*) In a still greater number of cases the relief was given on the plea that the pauper had lost time by reason of the weather or the caprice of a private employer.

II. The Allowance System.—This term covered relief paid in aid of wages and relief paid on account of the number of children in the family. Throughout a great part of the southern counties this plan had been systematised by the publication of scales by the justices. From the reports of their assistants the Commissioners were led to believe that this practice was extending into the north.

III. The Roundsman System.—This plan of relief, variously known as the Roundsman, House Row, Billet, Ticket or Stem system, was carried out by means of a contract entered into between the overseers and the employers of the parish. The parish agreed to sell to the employer the labour of one or more paupers at a certain price. The difference between that sum and the income sanctioned by the scale, had to be paid out of the parish funds. The allotment of these parish paupers was frequently effected by auction, sometimes by ballot. The ticket or billet was a note of assignment given by the overseer to the pauper, who presented it to his employer as a warrant for

his employment. This was carried back to the overseer, signed by the employer, as a proof that the pauper had fulfilled the conditions of relief.

IV. Parish Employment.—In this case the parish employed and paid applicants for relief. In some few cases the task was made irksome, the hours were the same as in private employment and the pay was less. Under such regulation the results were fairly satisfactory.[1] More often, however, the condition of the parish labourer was made better than that of the independent labourer. A very usual form of employment was task work on the roads or in the gravel-pit. Superintendence was very lax. The collection of paupers in gangs led to riots and rick burning. The profit of this employment, such as it was, did not accrue to any individual; and, as a consequence, the more corrupt system of allowances and roundsmen was, in many cases, preferred by the farmers.

V. The Labour-Rate System.—This last plan attains some additional importance, from the fact that it is one of the alternatives to their own recommendations, expressly considered and rejected by the Commissioners in another part of their report. It consisted in an agreement entered into by the ratepayers, that they, each of them, should employ resident labourers in proportion to their rental, rating, number of horses kept for tillage, number of acres occupied, or according to some other scale, as a rule entirely irrespective of their requirements for labour. In default of carrying out such agreement, the ratepayer had to pay the wages of his proportion of labourers to the overseers. By the provisions of the 2 & 3 William IV. cap. 96, this method of relief could be legalised by a majority of three-fourths of the ratepayers of any parish, subject to the approval of a majority of the justices at petty-sessions. When

[1] This was the plan successfully pursued by the Rev. T. Whately at Cookham.

this Act was adopted, no single ratepayer was able to defeat the object of the plan, but, as is shown in the fuller investigation of the system contained in a later portion of the report, it worked very inequitably. It was impossible to devise a scale which would distribute the labourers proportionately to the requirements of the employers. If the scale was based on assessment to the poor's-rate, it was found, *e.g.*, that a very disproportionate burden was thrown on the clergy. Thus in the parish of Pulborough, Sussex, the glebe and tithe amounted to £1050 per annum. Under the system of labour rate there proposed the rector was condemned to employ 62 men at 10s. per week, *i.e.* £1612 per annum, and pay in addition a sum of £420 to the common poor-rate. If the scale was based on acreage, the burden fell heavily on grazing land, where little labour was required, and on small farms, where the farmer and his family did all the work with their own hands. Elaborate attempts are instanced whereby it was sought to remedy these inequalities, but obviously the plan lent itself to great jobbery and corruption. In addition, as the Commissioners observe, it obliterated the line between the pauper and the independent labourer, and "we do not believe that a country in which the distinction has been completely effaced, and every man, whatever be his conduct or his character, ensured a comfortable subsistence, can retain its prosperity or even its civilisation."

After reciting these various forms of out-door relief to the able-bodied the report devotes a paragraph to widows, "a class of persons who have in many places established a right to public support" independently of their want of employment or insufficient wages. They receive pensions on their own account, and an allowance in respect of their children,—1s. 6d. for each legitimate, and generally 2s. or more for each illegitimate child.

The report next deals with the out-door relief of

the impotent. Abuses under this head were less glaring and the opportunities for corruption were less frequent. The Commissioners commend the work of provident dispensaries, and devote a paragraph to deploring the decay of family affection. The law first destroys family affection, and then vainly attempts to restore it by the enactment of pains and penalties. The situation is summed up as follows: "The duty of supporting the parents and children, in old age or infirmity, is so strongly enforced by our natural feelings, that it is often well performed, even among savages, and almost always so in a nation deserving the name of civilised. We believe that England is the only European country in which it is neglected. To add the sanction of the law in countries where that of nature is found sufficient, to make that compulsory which would otherwise be voluntary, cannot be necessary; and, if unnecessary, must be mischievous. But if the deficiencies of parental and filial affection are to be supplied by the parish, and the natural motives to the exercise of those virtues are thus to be withdrawn, it may be proper to endeavour to replace them, however imperfectly, by artificial stimulants, and to make fines and distress warrants, or imprisonment, act as substitutes for gratitude and love."

Then follow some "General Remarks on Out-door Relief." There is everywhere observable, the Commissioners state, on the part of recipients, "a constantly diminishing reluctance to claim an apparent benefit, the receipt of which imposes no sacrifice, except a sense of shame quickly obliterated by habit, even if not prevented by example"; on the part of distributors, an insuperable inability to ascertain "whether any and what necessity for it exists," and in many cases an absolutely corrupt motive for granting this form of relief when it is not necessary, and to create a necessity for it by paying inadequate wages.

The report on this head concludes by pointing out how vague are the definitions by which the distribution of this fund is guided. "The discontent of the labouring classes is proportioned to the money dispensed in poor's-rates or in voluntary charities. The able-bodied unmarried labourers are discontented from being put to a disadvantage as compared with the married. The paupers are discontented from their expectations being raised by the ordinary administration of the system beyond any means of satisfying them. 'They, as well as the independent labourers, to whom the term "poor" is equally applied, are instructed,' says Mr. Chadwick, 'that they have a right to a "*reasonable* subsistence," or a "*fair* subsistence," or an "*adequate* subsistence." When I have asked of the rate distributors what *fair* or *reasonable* or *adequate* meant, I have in every instance been answered differently; some stating they thought it meant such as would give a good allowance of "meat every day," which no poor man (meaning a pauper) should be without; although a large proportion of the ratepayers do go without it.' It is abundantly shown in the course of this inquiry that where the terms used by the public authorities are vague, they are filled up by the desires of the claimants, and the desires always wait on the imagination, which is the worst regulated and most vivid in the most ignorant of the people. In Newbury and Reading the money dispensed in poor-rates and charity is as great as could be desired by the warmest advocate, either of compulsory or of voluntary relief; and yet during the agricultural riots many of the inhabitants in both towns were under strong apprehensions of the rising of the very people amongst whom the poor-rates and charities are so profusely distributed. The violence of most of the mobs seems to have arisen from an idea that all their privations arose from the cupidity or fraud of those in-

trusted with the management of the fund provided for the poor. Those who work, though receiving good wages, being called poor and classed with the really indigent, think themselves entitled to a share of the 'poor funds.' Whatever addition is made to allowances under these circumstances excites the expectation of still further allowances, increases the conception of the extent of the right, and ensures proportionate disappointment and hatred if that expectation is not satisfied. On the other hand, wherever the objects of expectation have been made definite, when wages upon the performance of work have been substituted for eleemosynary aid, and those wages have been allowed to remain matter of contract, employment has again produced content, and kindness become again a source of gratitude."

The next section of the report is devoted to In-doors Relief. As applied to the institutions then in use, the term workhouse was in all senses a misnomer. These establishments were really poorhouses, not because of the absence of able-bodied paupers (a fact which at the present time has made the term workhouse again inapplicable), but because no attempt was made to classify the inmates, and set to work the idle, able-bodied class, which took advantage of the state of the law to make themselves a permanent burden on the solvent portion of the community.

The master of the St. Pancras workhouse, for instance, is quoted to show that paupers were of opinion that they lived better in the house than they ever lived before. The vestry-clerk of St. Margaret's, Westminster, says that "the diet and accommodation of all are very superior to that which can be obtained by the most industrious of our independent labourers and mechanics." These houses were largely frequented by discharged convicts and prostitutes. Yet the London workhouses are stated to have been well managed in

comparison with that at Oxford. There, the Rev. H. Bishop reports, the house is not an object of terror, but rather of desire, to the young and able-bodied pauper. There is no confinement. The paupers go and come as they please. There is no government. One guardian, who has a craving for popularity, makes it his business to countermand the orders of another, and goes about ordering refreshment to gangs of paupers who are occasionally set to work in the garden of the house. No accounts worthy of the name are kept. One-sixth of the inmates are women with illegitimate children; in fact, the place is a pandemonium of the worst characters in the town, whose riotous behaviour makes the house a most uncomfortable refuge for the impotent of all classes.

"In some very few instances," the report concludes, "among which Southwell in Nottinghamshire is pre-eminent, the workhouse appears to be a place in which the aged and impotent are maintained in comfort, and the able-bodied supported, but under such restrictions as to induce them to prefer to it a life of independent labour. But in by far the greater number of cases it is a large almshouse, in which the young are trained in idleness, ignorance, and vice; the able-bodied maintained in sluggish sensual indolence; the aged and more respectable exposed to all the misery that is incident to dwelling in such a society, without government or classification, and the whole body of inmates subsisted on food far exceeding, both in kind and amount, not merely the diet of the independent labourer, but that of the majority of the persons who contribute to their support."

The burden of all this mismanagement, the Commissioners remark, is "steadily and rapidly progressive." The direct burden of expenditure for the year ended 25th March 1832 amounted to £7,036,968. This, however, is an inadequate state-

ment of the extent of the loss sustained by society. This expenditure did not include the waste of money arising out of the labour rate and roundsman system of employment. The Commissioners' estimate is as follows: "We believe that if it were possible to ascertain the loss from all these sources during the year ending 25th March 1832, it will be found at least to approach the £7,036,968 which the Parliamentary Return states to have been directly expended." From this loss there is to be deducted the gain of employers who obtain labour under market rate, but this profit largely disappears when we consider the demoralisation and comparative worthlessness of labour obtained under these conditions.

The report predicts that objections to amendment would be raised—(1) From the labourers. "Can we wonder," the matter is summed up, "if the uneducated are seduced into approving a system which aims its allurements at all the weakest parts of our nature, which offers marriage to the young, security to the anxious, ease to the lazy, and impunity to the profligate?"

(2) From the employers, who, in the country, were enabled by means of the allowance system to shift their wages-bill to the shoulders of the ratepayer. In the towns the manufacturing capitalists formed a small proportion of the ratepayers, and this source of corruption was less frequent, but the same sinister, selfish interest seemed in many places to influence the persons supplying the workhouses, and the owners of shops frequented by the poor, who were more immediately benefited as tradesmen by parochial extravagance than as ratepayers by parochial economy.

(3) Even owners of property had managed to derive some corrupt compensation out of the general mismanagement. The overseer became responsible for the payment of the pauper's rent. This practice gave

them a solvent tenant, and if they had influence with the authorities, an extravagantly high rent.

The Commissioners' anticipation that many would take a short-sighted view of the public and their own best interests in the matter leads them to set out what they believe to be the real effect of the existing abuses on the different classes of the community. They accordingly devote about twenty-eight pages of their report to detailing the disastrous effect, as they understood it, on (1) *proprietors*, (2) *employers*, (3) *labourers*, both on those who were relieved and those who were not relieved.

(1) With regard to proprietors, the report states: "We are happy to say that not many cases of actual dereliction of estates have been stated to us. Some, however, have occurred." The most striking instance of this unfortunate result was afforded by the oft-quoted case of Cholesbury in the county of Buckingham. The story is told in full in the volume entitled *Extracts*. The following summary is all that is possible here. The population was reported to have been stationary since 1801. The rates, within the memory of persons then living, had risen from £10, 11s. a year, a period when there was only one pauper on the books, to £99, 4s. in 1816, and to £150, 5s. in 1831. In 1832 the sum to be collected rose to £367, and the process of collection came to a stop. The landlords gave up their rents, the farmers their tenancies, and the clergyman his glebe and tithes. Mr. Jeston, the clergyman, states "that in October 1832 the parish officers threw up their books, and the poor assembled in a body before his door, while he was in bed, asking for advice and food. Partly from his own small means, partly from the charity of neighbours, and partly by rates in aid imposed on the neighbouring parishes, they were for some time supported, and the benevolent rector recommends that the whole of

the land should be divided among the able-bodied paupers, and adds, 'that he has reason to think that at the expiration of two years, the parish in the interval receiving the assistance of rates in aid, the whole of the poor would be able and willing to support themselves, the aged and the impotent of course excepted.' In Cholesbury, therefore, the expense of maintaining the poor has not merely swallowed up the whole value of the land; it requires even the assistance, for two years, of rates in aid from other parishes, to enable the able-bodied, after the land had been given up to them, to support themselves, and the aged and impotent must, even then, remain a burden on the neighbouring parishes. Our evidence exhibits no other instance of the abandonment of a parish, but it contains many in which the pressure of the poor-rate has reduced the rent to half, or to less than half, of what it would have been if the land had been situated in an unpauperised district, and some in which it has been impossible for the owner to find a tenant."

Then, after citing a number of instances tending to prove this statement, the report sums up:

"We have made these quotations for the purpose of drawing attention, not so much to the immediate evils which the landowners of the pauperised districts are undergoing, as to the more extensive and irremediable mischiefs of which these are the forerunners. It appears to us that any parish in which the pressure of the poor-rates has compelled the abandonment of a single farm, is in imminent danger of undergoing the ruin which has already befallen Cholesbury. The instant the poor-rate on a given farm exceeds that surplus which, if there were no poor-rate, would be paid in rent, the existing cultivation becomes not only unprofitable but a source of absolute loss. And as every diminution of cultivation has a double effect in

increasing the rate on the remaining cultivation, the number of unemployed labourers being increased at the same instant that the fund for payment of rates is diminished, the abandonment of property, when it has once begun, is likely to proceed in a constantly accelerated ratio. Accordingly it appears from Mr. Jeston's statement that scarcely a year elapsed between the first land in Cholesbury going out of cultivation and the abandonment of all except 16 acres."

This recital seems to justify the literal truth of the statement so often repeated, that the old Poor Law had brought the country to the brink of ruin.

(2) The report next sets out the effect of the law on employers of labour—(*a*) *on farmers in the country*, and (*b*) *manufacturers in towns.*

(*a*) The allowance system, it is observed, deprives the labourer of all motive to acquire a character for skilful and honest work. The superintendence of this class of labourer adds greatly to the expense and trouble of the employer. "We care not," the labourers in one parish are reported to say; "the scale and the pay-table are ours." The effects have crept up gradually. Pauper labour is dear whatever its price; but it is not till the allowance system has got into full operation that the thorough demoralisation of the labourer takes place. With the demoralisation of the labourer, the demoralisation of the employer naturally proceeds apace. The farmers become indifferent and take a short-sighted view, thinking it to their advantage to have their wages-bill paid by the parish. "One impoverished farmer turns off all his labourers; the rest do the same, because they cannot employ their own shares, and pay the rest too in poor-rates. Weeds increase in the fields, and vices in the population. All grow poor together. Spite against the parson is now ruining a neighbouring parish in this way" (quoted from report from Rougham, Suffolk). The heavy

liability of the parson's income to the poor-rate rendered him an easy prey to any body of farmers who conspired to harry from him, in the form of rates, the payment of their wages-bill.

(*b*) The effect of the law on manufacturers is somewhat different. Here supervision, it is stated, having to be exercised under one roof, is easier. The labourer is not so thoroughly demoralised, and the result is, that to the manufacturer the poor-rate supplies labour that is cheap and not altogether inefficient. The individual profit of some manufacturers, however, does not make the system other than mischievous and ruinous. During times of depression, it is reported, overseers induce employers to keep their mills running, giving a subsidy out of the rates in the form of allowance. Stocks then become too abundant, the markets are not cleared, and the parish officers are obliged to continue and increase their subsidies. The "wily manufacturer," accordingly, replenishes his stock at a very low price, and to a large extent at the cost of neighbouring ratepayers who are not manufacturers. The competition of a thoroughly pauperised district under these conditions proved formidable and at times ruinous to the manufacturers in better administered parishes.

"The stocking manufacturers in Nottinghamshire have been enabled to saddle others with paying a portion of the wages of their handicraftsmen in the same manner as the farmers have done. Stockings are made, in all the neighbouring parishes in a circle round Nottingham of twenty or more miles in diameter, in the cottages of the journeymen, who rent frames at 1s. per week each, which they hire from a capitalist, who possesses perhaps several hundred, and the capitalist gives the operative work to do and pays him wages. The operative, in whatever parish he may be, is informed that his wages must be lowered, and in consequence applies to the parish; his master at Not-

tingham furnishes him with a certificate that he is only receiving (suppose) 6s. a week, and thus the parishes were induced to allow him 4s. or 5s."

The Commissioners are assured that round Nottingham this practice is universal; and stockings, it is said, are actually sold at a profit, though the selling price does not cover the prime cost of wages and parish allowance.

Thus the Commissioners sum it up: "Whole branches of manufacture may thus follow the course, not of coal mines or of streams, but of pauperism; may flourish like the fungi which spring from corruption, in consequence of the abuses which are ruining all the other interests of the places in which they are established, and cease to exist in the better administered districts in consequence of that better administration."[1]

Modern investigations into the economy of high wages might modify to some extent the view of the Commissioners that manufacturers employing pauper or semi-servile labour can compete successfully with free and highly paid operatives. The feature of that period, however, was that practically there was no free enterprise in the field. Competition in free industry tends to improve the skill and remuneration of the labourer, for no manufacturer can afford to employ inefficient workmen, but in a slave state, or in a land of pauper labour, competition may actually have a deteriorating effect. The struggle of the manufacturers was not to improve the efficiency of their operations, but by exaggerating the worthlessness and incapacity of the labour they employed, to obtain larger and larger bounties from the poor-rate.

(3) Next as to the effect on labourers:—(*a*) *Those who were not themselves actually relieved.* The object of the then existing administration of the Poor Law was "to repeal *pro tanto* that law of nature by which the

[1] See note at the end of the chapter.

effects of each man's improvidence or misconduct are borne by himself and his family. The effect of that attempt has been to repeal *pro tanto* the law by which each man and his family enjoy the benefit of his own prudence and virtue. In abolishing punishment we equally abolish reward."

The term "law of nature," as above employed, is ambiguous. Unfortunately, the worst abuses of the old Poor Law are quite as "natural" as a wiser policy. In the case under consideration, it needs some reflection, not perhaps a great deal, but evidently more than the legislature has at all times at its disposal, to see that a system of rewarding men for being burdensome, and penalising them for being independent, must breed its consequences. There is a correlation and continuity of force in social as well as in physical nature. If the mischievous principle were not enforced by law, human nature has sufficient common sense at its disposal to rectify its first erroneous impressions, but by giving legal authority to its earlier impulse, it precludes itself from reaping the advantage of experience, and debars itself from an easy recourse to amendment. The Commissioners, using popular language, speak of the organised interdependence of an economic society as natural. It is, however, not really more natural than the primitive conditions of life which it is supplanting. It marks the extent to which society has emerged from a condition of status, and the corresponding degree of the condition of contract to which it is now passed. Poor Law legislation is, for the most part, an attempt to restore or to prolong the condition of status. In the industrial era into which the western world has now passed, man has to live by exchange, by making his services or his property exchangeable with those of his neighbours. This is the economic origin of wages and of profit. The Poor Law necessarily to some extent

sets this principle aside; previous to 1834 it did so with a licence and profusion that was ruinous to character and to property.

More especially was the system ruinous to the independent labourer. It destroyed the value of his property and of his labour, and deprived him of every advantage which might otherwise have been gained by practising the arts of thrift. The summary of the Commissioners is as follows:—

"Piece work is thus refused to the single man, or to the married man if he have any property, because they can exist on day wages; it is refused to the active and intelligent labourer, because he would earn too much. The enterprising man, who has fled from the tyranny of his parish to some place where there is a demand and a reward for his services, is driven from a situation which suits him, and an employer to whom he is attached, by a labour rate or some other device against non-parishioners, and forced back to his settlement to receive, as alms, a portion only of what he was obtaining by his own exertions. He is driven from a place where he was earning, as a free labourer, 12s. or 14s. a week, and is offered, road work, as a pauper, at 6d. a day, or perhaps to be put up by the parish authorities to auction, and sold to the farmer who will take him at the lowest allowance. Can we wonder if the labourer abandons virtues of which this is the reward? If he gives up the economy in return for which he has been prescribed, the diligence for which he has been condemned to involuntary idleness, and the prudence, if it can be called such, which diminishes his means just as much as it diminishes his wants,—can we wonder if, smarting under these oppressions, he considers the law, and all who administer the law, as his enemies, the fair objects of his fraud or his violence? Can we wonder if, to increase his income and to revenge himself on the parish, he marries, and thus helps to increase the

local over-population which is gradually eating away the fund out of which he and all the other labourers of the parish are to be maintained?"

(*b*) *The effect on the labourer actually relieved.*

This class was, of course, the alleged beneficiary for whose advantage all these terrible evils to other classes were avowedly undertaken. Were the results at all commensurate with the sacrifices incurred?

"The severest sufferers," says the report, "are those who have become callous to their own degradation, who value parish support as their privilege and demand it as their right, and complain only that it is limited in amount, or that some sort of labour or confinement is exacted in return. . . . The constant war which the pauper has to wage with all who employ or pay him is destructive to his honesty and his temper; as his subsistence does not depend on his exertions, he loses all that sweetens labour, its association with reward, and gets through his work, such as it is, with the reluctance of a slave. His pay, earned by importunity or fraud, or even violence, is not husbanded with the carefulness which would be given to the results of industry, but wasted in the intemperance to which his ample leisure invites him. . . . It is a striking fact that, in Cholesbury, where, out of 139 individuals, only 35 persons of all ages, including the clergyman and his family, are supported by their own exertions, there are two public houses. . . .

. . . . . .

"The worst results, however, are still to be mentioned; in all ranks of society the great sources of happiness and virtue are the domestic affections, and this is particularly the case among those who have so few resources as the labouring classes. Now pauperism seems to be an engine for the purpose of disconnecting each member of a family from all others; of reducing all to the state of the domesticated animals,

fed, lodged, and provided for by the parish without mutual dependence or mutual interest."

"Mothers and children," says Mr. Majendie, "will not nurse one another in sickness unless their services are paid for. Boys of 14, when they become entitled to receive parish relief on their own account, no longer make a common fund of their income with their parents. They board with their parents, but buy their own loaf and bacon, and devour it alone. Disgraceful quarrels arise within the family circle from mutual accusations of theft."

"At the time of my journey," says Mr. Cowell, one of the Assistant Commissioners, "the acquaintance I had with the practical operation of the Poor Laws led me to suppose that the pressure of the sum annually raised upon the ratepayers, and its progressive increase, constituted the main inconvenience of the Poor Law system. The experience of a very few weeks served to convince me that this evil, however great, sinks into insignificance when compared with the dreadful effects which the system produces on the morals and happiness of the lower orders. It is as difficult to convey to the mind of the reader a true and faithful impression of the intensity and malignancy of the evil in this point of view as it is by any description, however vivid, to give an adequate idea of the horrors of a shipwreck or a pestilence. A person must converse with paupers, must enter workhouses and examine the inmates, must attend at the parish pay-table, before he can form a just conception of the moral debasement which is the offspring of the present system; he must hear the pauper threaten to abandon his wife and family unless more money is allowed him, threaten to abandon an aged bed-ridden mother, to turn her out of his house, and lay her down at the overseer's door, unless he is paid for giving her shelter; he must hear parents threatening to follow the same

course with regard to their sick children; he must see mothers coming to receive the reward of their daughter's ignominy, and witness women in cottages quietly pointing out, without even the question being asked, which are their children by their husband and which by other men previous to marriage; and when he finds he can scarcely step into a town or parish in any county without meeting with some instance or other of this character, he will no longer consider the pecuniary pressure on the ratepayer as the first in the class of evils which the Poor Laws have entailed upon the community."

The report next deals at some length with the various authorities which have been intrusted with jurisdiction in connection with the Poor Law.

The evils described were not the growth of one day. It is necessary, therefore, to notice the different authorities which from time to time were called in to take part in the administration of the Poor Law, and the various abortive attempts which were made to remedy evils which were neither hidden nor overlooked.

For nearly a century, after its first enactment, the overseers remained the sole Poor Law authority. During that time public policy may be said to have alternated between brutal severities and injudicious extensions of the Act of Elizabeth. The philanthropic legislation of Elizabeth was followed by several statutes for "the due execution of divers laws and statutes heretofore made against rogues, vagabonds, and sturdy beggars." Houses of correction were built. The Commission issued by Charles the First in 1630 seems to indicate that the authority of the day was influenced by a reaction from the repressive system, and actuated by a desire to make a liberal provision for the poor. During the Civil War, it may be said, *inter arma silent leges*, the local

government of the country fell into some disorder. In his *Studies on the Interregnum*, Mr. Inderwick has quoted documents to show that the local government of the country had come to a standstill, and had to be more or less reconstituted during the Commonwealth. In 1662, the so-called 14th year of the reign of Charles the Second, the Settlement Act already cited was passed, and during his reign and the reign of his successor a long series of laws were enacted which would now be described as social legislation. In 1670 an Act permitting the establishment of workhouses in the metropolis was passed. In 1685 the 1 James II. cap. 17, after reciting that poor persons at their first coming to a parish do commonly conceal themselves, enacts that the 40 days continuance in a parish required to make a settlement shall be computed from the delivery of notice in writing to one of the churchwardens or overseers. In the 3 William and Mary, cap. 11, 1691, further publicity is ordered to be given to a new-comer's intention to acquire a settlement, and the churchwarden or overseer is required to read the notice on Sunday in the church or chapel of the parish.

This Act is, however, important in another respect. Up to this date the administration of the law had been entirely in the hands of the overseers. Hitherto they had been urged to put in force the several statutes relating to the relief of the poor ; severe punishments had been decreed against vagabonds. The justices also, the principal local authorities, had extensive powers of fixing wages, and generally of regulating the industry of the country. This Act, however, may be considered as the beginning of a new policy,—the policy of subjecting the local administrators of the Poor Law to a superior control. In the following brief review of the result of the action and reaction of legislative opinion, it will be convenient to follow the vacillations of public policy by a reference to this aspect

of the subject. At one time the authorities seem to think that relief is being unduly denied, at another that the poor are overwhelming the ratepayers by their importunity, and there is a disposition henceforward to remedy these extremes, not as heretofore by new legislation alone, but by the introduction of control.

The 3 & 4 William and Mary, cap. 11, 1691, recites "that many inconveniences do daily arise by reason of the unlimited power of the overseers, who do frequently, upon frivolous pretences, but chiefly for their own private ends, give relief to what persons and number they think fit; which persons being entered on the collection bill, become a great charge on the parish, notwithstanding the occasion or pretence of their receiving collection often ceases, by which means the rates are daily increased, contrary to the true intent of the statute made in the 43rd year of Her Majesty Queen Elizabeth, intituled 'An Act for the Relief of the Poor.'" For remedy, the Act then orders that books and lists of persons receiving collection shall be produced to the parishioners met in vestry, for correction and examination. A new list of persons to receive collection must then be drawn up, and "no other persons shall receive collection, but by authority under the hand of one justice of the peace residing within the parish, or if none be there dwelling, in the parts near or next adjoining, or by order of the justices in quarter-sessions, except in cases of pestilential disease." The Commissioners of Inquiry remark that "the history of the Poor Laws abounds with instances of a legislation which has been worse than unsuccessful, which has not merely failed in effecting its purposes, but has been active in producing effects which were directly opposed to them, has created whatever it was intended to prevent, and fostered whatever it was intended to discourage." The object of the above-cited Act was obviously to restrict profusion,—the profusion of the

overseers. This interpretation is confirmed by the provision of the 8 & 9 William, cap. 30 : "To the end that the money, raised only for the relief of such as are as well impotent as poor, may not be misapplied and consumed by the idle, sturdy, and disorderly beggars," this statute enacts, that "it shall be lawful for any justice of the county, city, or liberty where such offence shall be committed, to punish such offender by ordering his or her relief, or usual allowance, or the collection, to be abridged, suspended, or withdrawn." The introduction of the authority of the justices was designed to protect society from the encroachment of the pauper, and from the weakness or dishonesty of the overseer.

It seems, however, to have had a precisely contrary effect. At this stage of Poor Law history the forces of encroachment seem to have been in the ascendant, and responsibility for the state of affairs to which relief legislation was then drifting must be shared very equally by all the authorities who exercised jurisdiction in the matter.

The 9 George I. cap. 7, 1722, is an attempt to check the abuses to which the action of the justices, as authorised by the above-quoted Act, had given rise. It recites that "under colour of the proviso in the 3 & 4 William and Mary, many persons have applied to some justices of the peace, without the knowledge of any officers of the parish, and thereby, upon untrue suggestions, and sometimes upon false or frivolous pretences, have obtained relief, which hath greatly contributed to the increase of the parish rates." For remedy it is enacted, "that no justice of the peace shall order relief to any poor person until oath be made before such justice of some matter which he shall judge to be a reasonable cause or ground for having such relief, and that the same person had, by himself or some other, applied for relief to the parishioners of the parish, at some vestry or other public meeting of the

said parishioners, or to two of the overseers of the poor of such parish, and was by them refused to be relieved, and until such justice hath summoned two of the overseers of the poor to show cause why such relief should not be given, and the person so summoned hath been heard or made default to appear before such justice."

The justices failed to control the overseers, the overseers and the vestry are therefore to control the justices; so that now we have three authorities, the overseers, the justices, and the vestries, controlled by and controlling one another; and then, as if it was feared that these expedients were not likely to prove efficacious, the last-mentioned Act empowered parishes to purchase or hire, or to unite to purchase and hire, a workhouse, and enacted that persons refusing to be lodged in such houses should not be entitled to receive collection or relief. This last enactment, the introduction, that is, of the control of an automatic test, in the opinion of the Commissioners of Inquiry, while it remained in operation, checked the increase of pauperism, and in many instances occasioned its positive diminution.

The Act was an attempt to restrain the encroachment of pauperism by two means: first, by empowering parishes to build workhouses; second, constituting the overseers and the vestry a check on the action of the justices. Neither of these remedies, as we shall see, was destined at this time to prove efficacious. These two remedies were, however, precisely the instruments which, after a century had expired, became the pivot on which the Poor Law Amendment Act of 1834 was made to turn,—control over the dispensing authorities, and the workhouse system.

It may here be convenient to suspend the narrative of the evolution of the dispensing authority, in order to consider briefly this ineffectual introduction of the

workhouse system. The failure of the justices to bring about a reformation will be sufficiently described when we return to the narrative of the dispensing power.

The most complete account of the early stages of this experiment is to be found in an anonymous work, entitled—"*An Account of Several Workhouses for Employing and Maintaining the Poor.* Second Edition, very much enlarged. London, 1732."

The preface of this curious and interesting work opens as follows: "The reader will have the pleasure of seeing in this second edition of the Account of Workhouses, that this method of maintaining the Poor has met with approbation and success throughout the Kingdom. And indeed a better method can scarce be contrived; for Workhouses under a prudent and good management will answer all the ends of charity to the poor, in regard to their souls and bodies: and yet at the same time prove effectual Expedients for increasing our manufactures, as well as removing a heavy burden from the nation. They may be made, properly speaking, Nurseries of Religion, Virtue, and Industry, by having daily Prayers and the Scriptures constantly read, and poor children Christianly instructed. And as the Publick will certainly receive a Benefit from their Work, so the Poor can have no Occasion to complain, because every one has therein Food and Raiment suitable to their Circumstances; their Dwelling is warm, sweet, and cleanly, and all proper care of them is taken in Age and Sickness. Their reasonable Wants of every kind are supplied; and therefore they ought to be content and thankful, and do their Duty, that is, all they can do, in that State of Life wherein it has pleased God to place them. It is indeed a Sin for them to murmur and complain, or to refuse to work; when no work is put upon them beyond their Strength and Skill: nor are they kept

closer or longer to it than other poor People without Doors are obliged to, if they be as industrious and diligent as they ought to be, in getting a Livelihood for themselves and Families."

This preamble discloses very clearly the rock on which this early introduction of the workhouse system was bound to split. The expectation that workhouse employment would increase our manufactures, and that the life of the poor generally could be happily organised by means of parish workhouses, was, as all subsequent experience has shown, a complete delusion.

The author then goes on to describe 48 workhouses and working-charity schools erected in London. The account given, it is needless to say, makes out a good case for the author's contention. The parish of St. Andrew, Holborn, in the year 1727, finding the maintenance of the poor growing burdensome, hired a house in Shoe Lane, and fitted it up as a workhouse. Here they were in 1730 maintaining "62 in family, besides the master and matron, every one of which have such business assigned to them by the master as they are most capable of." Spinning, knitting, and making woollen and linen cloth are the employments of some; while others "pick ockam, and are continually refreshed with the balsamic odour of it." The managers are sanguine that a considerable economy will be effected by the experiment. Persons bringing strong drink into the house or brawling "shall lose one day's meat, and for the second offence be put into the dungeon 24 hours." Six hours in the dungeon is the penalty for smoking in bed or in the house. Rule 18 provides that "every person endeavour to preserve a good unity, and look upon themselves as one family." Persons "forging and telling lies . . . shall (on good proof) be set on a stool, in the most public place in the Dining-room, whilst at dinner, and a paper fixed on his

or her breast with these words wrote, Infamous Lyar, and likewise to lose that meal."

The modern workhouse test system is, of course, something entirely different from this. The discipline of these early days was rude, and their social philosophy confused and illiberal. The possibility of an honourable independence for the poor was an idea foreign to the current theory of life. To a certain extent the workhouses were used to check improper applications, but this instrument, absolutely necessary in view of a legal provision for the poor, was rendered useless by the importation of the idea that the work done by paupers could be made self-supporting, and by the belief, which seemed to follow as a natural corollary from this, that it was to the advantage of the poor to be organised in such houses of industry.

The rules of the workhouse in Shoe Lane, belonging to the parish of St. Andrew, Holborn, are more or less typical of the others described. It may be interesting to notice one or two points which characterise this early and abortive introduction of the workhouse.

In the first place, many, if not a majority of those described, were built, and in some cases carried on, by voluntary contributions. A subscription of the principal inhabitants in Stepney fitted up a commodious brick house, which was opened 28th April 1724. The parish of St. Margaret's, Westminster, co-operated with the Grey Coat Hospital in maintaining a school, to which some of the parish children were sent. The funds were derived from casual benefactions, collection at church doors, subscriptions and rents, and a building was provided rent free by the parish. The same parish lodged its adult poor in a house once occupied by Sir Robert Pye. "The humanity observed in this house deserves to be noticed." The sick are nursed apart from the healthy, and a lunatic discharged from Bedlam "has a brick cell built on purpose for him." This,

apparently, was all paid for out of a rate. Throughout, it may be remarked, the idea that a workhouse was a severe method of relieving distress is not suggested. The inmates are to live in one family and in comfort. The disciplinary, or rather deterrent, aspects of the workhouse system are not, except in one or two instances to be presently noted, prominently brought forward. Thus with regard to the workhouse in St. George's, Southwark, it is remarked that, "as fast as there is any vacancy, interest is made by the poor themselves to be admitted."

The experiment at Bristol has often been described. There, a considerable part of the cost was defrayed by benefactions. From 1694–1714 they continued putting the poor to work, "with great loss to the corporation." The good craftsmen would not remain in the house, and the bad, who stayed, spoiled the material. From 1714 and onwards "they set aside projects of labour," and sent away applicants to their place of settlement. They then entered into a contract with a dealer in malt and corn, who contracted to teach the poor sack-making; but, it is remarked, this labour saves nothing to the public, and yields but little to the poor,—the maltster gets their labour free, and the poor have their maintenance as before from the public.

The following quotations, on the other hand, seem to anticipate some of the rules and arguments with which the re-introduction of the workhouse test system in 1834 has rendered us familiar.

Persons are admitted into the Olney Workhouse, "by the consent of the parish first obtained; and being found too poor to subsist independently of some help, are there maintained, after having first delivered up all their goods into the parish officers' hands." This suggests the modern argument that the only test of destitution is the willingness of the applicant to exchange the maintenance derived from his own resources

for one provided by the authorities within some Poor Law institution.

From Romford, in Essex, under date 24th October 1724, the value of the workhouse test is very intelligently set out.

"I must, Sir, observe to you that the advantage of the workhouse to the Parish does not arise from what the poor people can do towards their subsistence, but from the apprehensions the poor have of it. These prompt them to exert and do their utmost to keep themselves off the Parish, and render them exceedingly averse to submit to come into the House till extreme Necessity compels them. Pride, though it does ill become poor Folks, won't suffer some to wear the Badge; others cannot brook Confinement; and a third sort deem the Workhouse to be a mere State of Slavery, and so numbers are kept out." Pensions granted by partiality and favour have been stopped. Rents are no longer paid, and £70 per annum has in this way been saved. Rates used to be 1s. 8d.; "this year we hope to come off for 8d."

The same may be said of the following from St. Albans. People, it is said, who used to live by teasing the overseers now buckle to labour, "not that we use any severity there to fright them from it, but they choose to be accountable to themselves for the produce of their own Labour; and some really seem to live better now depending on their Industry only, with God's Blessing, than when they received Relief from their respective Parishes."

The following is an anticipation of Sir E. Chadwick's oft-repeated argument that the local influences making for profuseness and corruption are insuperable, and presents a picture which is as true to-day as it was 170 years ago. A workhouse was built at Maidstone by a gentleman of the town in 1720. The parish, however, 26th October 1724, receives "but half the

benefit of our workhouse by maintaining but half our poor in it." When, after the workhouse was finished, public notice was given that all who came to demand their weekly pay should immediately be sent thither, little more than half the poor upon the list came to the overseers to receive their allowance. "Were all the poor in our town obliged to live in the Workhouse, I believe we might very well maintain them for £350 a year at the utmost" (instead of £530). "But many of them find interest enough to receive their usual weekly Pay, and get themselves excused from living in the House. And thus it will happen more or less in all great towns where the workhouses are left to the management of overseers annually elected." He therefore is in favour of a permanent and independent officer, also of calling the workhouse by some softer and more inoffensive name.

The following from Chelmsford is curious, as showing the inveteracy of the habit which leads guardians to disregard the question of adequacy of relief and to ask themselves what is the smallest sum by means of which they can be rid of the importunity of applicants. The house here was built in 1716, and "has saved the parish £1000, . . . because they would not come into the house; they have made shift with a shilling when four before would not content them; and they were wont to be always troubling the Overseers for money, tho' never satisfied whatever they gave them; but now the Overseer's Office is the easiest Office in the Parish." The rate is reduced from 3s. 6d. to "1s., including the churchwarden's rate, for we have no church lands belonging to us."

The work, from which the foregoing particulars have been taken, has been commented on by the indefatigable Sir F. Eden. Writing in the last years of the century, he informs us (vol. i. p. 269): "The principal projector and undertaker of most of these

establishments was a Mr. Matthew Marryott, of Olney, in Buckinghamshire, whose activity appears in several instances to have reduced the poor's-rates very considerably. The indefatigable zeal of the planners of the various workhouses was in most instances (not only where Mr. Marryott was the manager or contractor, but in other places), for the few years preceding the publication of the Account of the Workhouses, rarely unsuccessful; but from comparing the present state of those parishes which erected workhouses, in consequence of this Act, with their condition 70 years ago, it would seem that the expectations entertained by the nation, that great and permanent benefits would be the result of these establishments, have not been realised." He then proceeds to give an account of several of those enumerated in the Account of Workhouses, and he sums up the result as follows: "The charge of maintaining their poor has advanced very rapidly, notwithstanding the aid of workhouses, and perhaps as rapidly as in those parishes which have continued to relieve the poor by occasional pensions at their own habitations."

At Maidstone the pessimism of the correspondent, whose letter has been already quoted, seems to have been justified. The charge of maintaining the poor in the workhouse in the year ending in 1724 (including weekly payments to several out-pensioners) amounted to £530. In 1776 it had risen to £1555, and in 1785 the sum raised by assessment for the poor was £2271. From Chelmsford, from which we have quoted the words of a correspondent who seems to have understood the principle on which the workhouse test system rested, there is no return; but from St. Albans we have the following (Eden, p. 272): "The workhouse at St. Albans was opened about the year 1722; of its utility the writer gives the following flattering account:—'In the year 1720,' he says, 'we were

rated—6s. in the pound, and disbursed £566, 19s. 3½d.; in 1721, 4s. in the pound, and disbursed £516, 19s 2½d.; in 1722, 3s. in the pound, and disbursed £387; in 1723, 3s. in the pound, and disbursed £275, 14s. 3d.; in 1724, 2s. in the pound, and the disbursements, it was expected, would not exceed £200; in 1776 the expenses for the poor in the borough of St. Albans were £235, 3s.; in 1783 the money raised by assessment rose to £455, 4s. 10d.'"

These figures suggest that from 1724 to 1776 the expenditure did not rise, and we may very fairly assume that the right understanding of the problem as set out in the correspondent's letter quoted on p. 83, influenced the administration for the 50 years between these two dates. There is unfortunately no means, even at the present day, of preventing the relapse of a well-administered parish into all the worst abuses to which the law can be made to lend itself.

The Act of 9 George I. cap. 7 (1722), under which many of these experiments were made, was designed to support the overseers, as the representatives of the ratepayers, against the alleged encroachment of the justices: while it remained in force it proved useful, and enabled the overseers and parish authorities to introduce a form of workhouse test. Sixty years later the pendulum of opinion, as reflected in the legislature, seems to have swung back to the other extreme.

The 22 George III. cap. 83 (1782), commonly known as Gilbert's Act, marks the change in public opinion. The overseers had again become the chief authority, and naturally the blame of all miscarriages was ascribed to their incapacity, corruption, and cruelty; it remained to shift a larger share of the responsibility to the shoulders of a new authority, or rather of an old authority in a new disguise. Gilbert's Act accordingly deprives the churchwardens and overseers of their power of giving relief, and vests their authority in

a board of guardians and visitors who are to be nominated by the parish meeting, and then appointed by the justices. This board, with the justices themselves, shall have the entire control and management of the poor. The adoption of the Act required, however, the consent of not less than two-thirds, both as regards number and value, of such owners and occupiers in the parish as were assessed at £5 per annum and upwards. It also gave facility for the incorporation of two or more parishes for the purposes of the relief of the poor.

Then, as if unwilling to allow any large discretion to the new authority which it was creating, the Act proceeded to regulate the manner in which relief was to be administered. None but the impotent and children were to be sent to the poorhouse; and, for persons who were willing to work but unable to find employment, the guardians were required to "agree for their labour" at work suitable to their capacity in the parish and near to the place of their residence.

At the time of the Poor Law Amendment Act, 1834, there were 67 Gilbert incorporations, comprising 924 parishes;[1] and, as we shall see, owing to an omission in that Act they were an occasion of much embarrassment to the new authority. Sir George Nicholls judiciously observes that the Act, notwithstanding its mischievous recognition of the pauper's claim to have suitable work found for him at his own door, was probably, at its introduction, an improvement on the old administration. The justices were the most intelligent section of the population, and their maladministration was probably less pronounced than that of any other class. The lack of appropriate knowledge was, however, at this time universal. The expectation that the mischievous character of these arbitrary laws would be removed by intrusting their execution to the

[1] See Nicholls, vol. ii. p. 91. The estimate of Mr. Twisleton (see p. 335) gives a somewhat larger figure.

better educated class of the community may possibly have been fulfilled to a very limited extent, but their vicious principle rendered them incapable of satisfactory control.

NOTE ON THE EFFECT OF POOR LAW RELIEF ON WAGES

We have not thought it well to interpolate in the narrative a discussion of the connection between the Poor Law and low wages. The subject, however, is of sufficient importance to warrant the following somewhat lengthy note.

It is not seriously disputed that one effect of the old Poor Law was to reduce wages, and this proposition has sometimes been sustained by reference to the doctrine attributed to Ricardo and the classical economists, namely, that wages tend to hover about the point which will give a bare maintenance and no more to the labourer. This theory, in the hands of Marx and Lassalle, has been converted into the so-called Iron Law of Wages. The misconceptions involved in this view, it is not too much to say, have cast a permanent gloom on industrial society, which the logic of facts has not even yet been able to dispel. This theory is now generally discredited, and it is necessary to give some other explanation of the fact that a profuse Poor Law policy does reduce wages.

There is probably truth in the Ricardian doctrine when it is applied to slave labour. Nothing except that very precarious factor, the good-will of the employer, will, in this case, make the reward of the slave go much beyond the cost of his maintenance. The old Poor Law reduced the poor to parochial servitude, from which they have not yet altogether shaken themselves loose, and this condition has always proved incompatible with high wages and industrial competence. The idea that an income derived from a source other than wages is a cause of low wages is one of the most pernicious and unwarranted fallacies which ever was advanced. Half a crown a week given as a Poor Law allowance is not in itself a cause of low wages. Half a crown is thirty pence, whether it comes from the rates or from laboriously gathered savings. *Non olet.* It becomes an occasion of low wages when, as in the case of Poor Law relief, it is coupled with conditions which, though not all of them explicitly involved in the transaction, yet inevitably follow from it. Thus when out-door relief is given to persons who continue to earn wages, the number of competitors for the lowest and worst paid employments is increased. If such persons are maintained in the workhouse, the congestion of

the labour market is to that extent relieved. This, Mr. Chadwick always argued, was the policy supported by the precedent of the Friendly Societies, which prohibited their members in receipt of sick pay from earning wages. The cause of low wages in this case is the presence and competition of the pauper, not his possession of a Poor Law dole. If, however, out-door paupers are sufficiently numerous, as unfortunately they frequently are, to make the competition for work which a pauper can do very keen, the rate of payment may very easily be reduced below a bare maintenance for the independent. Every one who has experience of this class of population must have met instances where pauper labour has been given a preference because of its apparent cheapness.

This we conceive, however, is not the most potent influence exercised by the Poor Law in the direction of low wages. Under the old law, and to some extent still, a pauper accepting relief is confined to one locality; he is bound to convince his patrons of his incapacity for independence. This is of little importance when the hour of his pauperism has arrived. Then the injury has already been done, but the anticipation of the parish allowance, which to his knowledge his neighbours and predecessors have received as a matter of course, has operated like a narcotic on his faculties throughout life, and prevented him from learning the social lessons of his environment. It is this atmosphere of incapacity, immobility, and recklessness, created by the evil tradition of many generations, which is the cause of low wages.

The rate of wages depends on the relation of demand to supply in each particular class of labour. The fact that some wage-earners have income and property apart from their labour does not affect this relation, and is not a cause of low wages, except when that property is bestowed on them under the conditions inseparable from the Poor Law. On the contrary, the labourer with a few pounds in his pocket, or at the savings bank, or who enjoys a certain independence by the favour of his parents or family, is better able to avail himself of the advantages of Free Exchange, precisely because his property enables him to acquire for himself and for his family qualities the exact opposite of those which inevitably characterise the pauper. He acquires, in other words, in virtue of his partial independence, greater mobility and capacity. He can more easily seek a new market, and can better afford to direct his children to well-paid and improving trades, and for himself and for his family he can avoid the trades which through their inability to pay good wages show unmistakably that they are decaying, or that the labour market connected with them is overstocked.

The passage in the Commissioners' report, to which this is a note, derives some additional interest from the fact that Mr. and Mrs. Webb, in their work on Industrial Democracy, p. 416, bring it forward in support of their theory of parasitism. "So long as the under-paid worker is otherwise partly maintained—perhaps the most usual case with women and children—the employer is, in effect, receiving a bounty in favour of a particular form of production, and the community has no assurance that the competition between the processes will lead to the survival of the fittest."[1] It follows, according to these authors, that labour which does not earn the minimum prescribed by the philanthropist should be prohibited by legal or trade-union enactment. The passage from the Commissioners' report is quoted to show the demoralising effect of the pauper subsidy, but, as we have above shown, it is fallacious to argue from subsidised pauper labour to free labour subsidised by an income legitimately derived from other sources. The conditions on which such subsidy is held causes it to exercise a totally different effect. Pauperism is, at all times, a hopeless imprisonment of the energy of the labourer. In the condition of the free labourer, on the contrary, even when earning low wages, there are many elements which, if allowed to act, must bring about a better distribution and consequently a better remuneration of labour. The Iron Law of Wages and this doctrine of Parasitism is part of a fallacy which occurs very often in economic speculation, namely, that the cost of production, or, in the case of the labourer, the cost of his maintenance, determines the value of the product. It is, of course, the value of the product which determines what is or may be the cost of production. Thus the expenditure of capital and labour—in other words, the cost of production—is attracted hither and thither to different industries by the varying value imputed to different kinds of product by the community at large. For instance, when the bicycle became fashionable, capital was freely, perhaps too freely, adventured, and the labour market in kindred trades, *e.g.* that of lock-making, brasier work, etc., was depleted of mechanics, who found a better market for their services in the cycle trade. Sudden and extraordinary movements of this kind attract notice, but the gradual adjustments which are always silently going on, in so far as they are not prevented by the monopoly policy of the unions, are ignored. Yet they constitute the main process by which labour has advanced.

Some confusion of ideas has attached itself to the standard of life as an element in the problem of wages. A man in the

[1] For a fuller examination of Mr. and Mrs. Webb's theory of Parasitism, see an article on "Trade Unions" in the *Quarterly Review* for April 1898.

enjoyment of higher wages naturally adopts a higher standard of living, and it is very desirable that his standard should be a wise one; but to argue that the higher standard of living, *i.e.* the higher cost of production, is the cause of higher wages, is clearly an inversion of cause and effect. Carefully examined, the love of a higher standard of life, and the unwillingness to allow an acquired standard of life to be lowered, are merely manifestations of the law of the economy of effort, of man's desire to satisfy an ever-expanding series of wants in the easiest way. The actual results of the operation of this law are unmistakable. The "effort" of a savage is probably quite as great and as exhausting as the effort of the civilised man, but the result of following the law of the economy of effort during many generations is marked by the difference between the output of a community of modern Englishmen and of the same number of Ancient Britons in the time of the Romans. Our investigation must not, therefore, be satisfied with truisms as to the value of an intelligent and progressive standard of life. What we want to know is how this universal love of a higher standard gets itself carried into effect. Free Exchange, we have shown, permits the varieties of remuneration, both locally and in different trades, to be seen clearly. It thus provides an accurate chart of the industrial world. This in itself is a great service, but Free Exchange does much more. It obliges the well-remunerated trades to attract labour and the ill-remunerated trades to repel labour, and it is on this principle of adjustment that progress depends.

One other consideration complementary to the above argument requires to be noticed. Wages depend on the relation of demand to supply in each section of the market. The enforced poverty and incapacity which, it is affirmed, are the results of our Poor Law system operate not only in producing a congestion of supply, which has a tendency to grow more acute in the lowest grades of labour, but also in curtailing demand. The most important financial discovery of the last quarter of the expiring century has been the wealth-conferring power of working-class custom. Brewers, well-managed provision stores like those of Sir Thomas Lipton, successful insurance institutions like the Prudential, have realised great fortunes by supplying the working class. The demand of the working class is the backbone of English industry, and the home market is the most important market. The value of a certain addition to our African Empire was recently extolled in an evening newspaper, on the ground that Africa would for long be an importing and not an exporting source of commerce. The picture of nations of naked savages waiting to be clothed in the fabrics of Bradford and Manchester, and exporting nothing in return, would be an amusing paradox if

it did not unhappily represent the accepted economic creed of a large number of persons. It represents the frame of mind which, in public discussion, at all events, has unduly neglected the importance of our home market. This market is to be fostered and extended mainly by a policy which will permit the less competent grade of labour to improve its industrial character. For this purpose it is most essential to rescue it from the deteriorating influence of the Poor Law. If, as we argue, a more restrained administration of the Poor Law will give greater scope and power to the labour-distributing influence of Free Exchange, if thereby better wages and a higher standard of life are the result, a new and progressively expansive demand for the necessities and common luxuries of life is at once brought to bear on the home market.

Industrial progress, as Bastiat long ago pointed out, in his inimitable epigrammatic way, gives to the prices of commodities a tendency towards gratuity. Labour contracts itself out of this gravitation towards cheapness, by acquiring mobility, by avoiding the worse and seeking the better-paid employments. Efficiency of productive method tends to cheapness, and at every lowering of price a new set of customers is brought within range. Every movement of labour also to a better market gives rise to a class of customer whose purse is better filled. In this way the market grows.

In the long process of emerging from a condition of status to one of contract, additional impediments have been caused by man's slowness to learn the arts of life. One of the most injurious of these has been erected by our methods of public relief. We are justified, both by theory and history, in characterising our Poor Law system as a revival in a new guise of that status of feudalism which in the days of Elizabeth had well-nigh expired. The result on the wages and general condition of the poor has been one of almost unmixed disaster. It remains for the generation of Victoria to become aware of the true bearings of the case, and to take steps to rid itself of fetters which are intolerable and unnecessary.

CHAPTER IV

THE ROYAL COMMISSION—*continued*

History of the authorities continued—Vestries—Mr. Chadwick on an elective as against a nominated expert service—The crisis of 1795—The "Act" of Speenhamland—The jurisdiction of the magistrates—Bentham on Pitt's Bill of 1796—Illustration of the interference of magistrates in the country, and in town—Mr. Benett's proceedings.

This brief sketch of the authorities who exercised jurisdiction previous to 1834 is not complete without a description of the Poor Law functions of the vestry. The summing-up of the Commissioners against the vestry is as emphatic as against the overseers and the magistrates. This fact has been very generally overlooked, by the Government responsible for the Act of 1834, by the Commissioners appointed under that Act, and by public opinion ever since. The condemnation of the vestry pronounced in 1834 condemns by anticipation the board of guardians, which is liable to exactly the same influences, here represented as fatal to the efficiency of the vestry. The legislation which followed abolished altogether the jurisdiction of the overseers and magistrates, but the verdict against the vestry was not pressed. Yet the evidence against the incompetence of a locally elected body seems to be quite as clear and as damaging as anything that is recorded against the overseers and the magistrates.

Mr. Chadwick gave, many years after, the following account of the departure of the Bill from the recommendations of the report:

"The final proposition in my report was in these words, 'And lastly, that it is essential to the work-

ing of every one of these improvements that the administration of the Poor Laws should be intrusted, as to their general superintendence, to one central authority with extensive powers; and as to their details, to *paid officers*, acting under the consciousness of constant superintendence and strict responsibility.' I was emphatic on the responsibility for executive action as to the details being charged on the paid officers, because where there is no pay there is no real or effective responsibility when serious work is left to unpaid officers; because, moreover, with the unpaid there is no security for qualifications of which a high degree of speciality is needed for a very difficult service. Our paid officers give constant and daily service, during which they acquire experience and knowledge which they cannot impart to the unpaid officers, who can only give a fragmentary attention of perhaps half a day in the week. The functions assigned to the unpaid guardians were not executive, but solely supervisory; they were analogous to those of the visiting justices to the prisons. I failed, however, in getting the administrative principle, as set forth, acted upon, or in preventing the rules and orders being so couched; I failed also to take from the unpaid officers the responsibility of the executive details, those being left to be disposed of by the unpaid guardians at their weekly meetings—often in crowds of cases in large towns—perfunctorily and most objectionably. . . . Among other evils, there has been that of generally putting the paid officers under the necessity of having to work down to ignorance instead of up to science. . . . Here and there important examples have been presented of improved local administration in accordance with principle, and with a great reduction of local burdens. In every such case that has come to my knowledge, it has risen from guardians leaving the executive details entirely to an able paid officer, and confining

themselves to the exercise of supervisory superintendence, as was originally intended. Little progress will be made on the improvement of local burthens until this dereliction of administrative principle is repaired, and the paid officers placed in their proper position for effective service."

Notwithstanding the protests of the principal author of the Bill, the Government determined to retain the executive services of an elected body. It is interesting, however, to put on record the warning to be gathered from the report as to the difficulty of securing the proper performance of judicial and highly technical duties by any body in the nature of a vestry.

"Vestries," the report tells us, "are either open, composed of all the ratepayers who choose to attend; or representative, appointed by virtue of a local Act, or under the 59 George III. cap. 12; or self-appointed, either by prescription or a local Act."

First, as to the Open Vestry. We have already mentioned the 3 & 4 William and Mary, cap. 11, sec. 11, and the 9 George I. cap. 7, sec. 1, which authorised the intervention of the vestry; but as these Acts give the vestry no power either to raise or to distribute parochial funds, "it is difficult to say," remark the Royal Commissioners, "what is the legal authority as to matters of relief of an open vestry, or whether such vestry has now, in fact, on such matters any legal authority at all." Everywhere, however, it is asserted "that the practical influence of the vestry is very great; that it forms, in fact, the ruling authority of the parish, a sort of council of government, of which the overseers are members, and generally the most influential members, but voting among the others and submitting to be controlled by the majority."

Next, as to Representative Select Vestries. "The 59 George III. cap. 12, sec. 1, authorises the inhabitants of any parish in vestry assembled to elect not

more than 20 or less than 5 substantial householders, who, together with the minister, churchwardens, and overseers, after having been appointed by a magistrate, are to form the select vestry of the parish; they are directed to meet every 14 days or oftener, and to inquire into and determine the proper objects of relief, and the nature and amount of the relief to be given. The overseers are desired to conform to their directions, and, where such a vestry exists, the magistrates are forbidden to order relief until it has been proved to the satisfaction of two justices that the applicant is in want, and has been refused adequate relief by the select vestry, or that the select vestry has not assembled as directed by the Act. 'Provided always,' adds the Act in its usual spirit of qualification, 'that it shall be lawful for any justice to make an order for relief in any case of urgent necessity to be specified in such order.' A subsequent clause directs them to keep minutes of their proceedings, which are to be laid before all the inhabitants in general vestry assembled twice in every year. The Act seems to be deficient in not defining the relative powers of the select vestry and the overseers. Though the overseers are directed to conform to the directions of the vestry, yet if they refuse, as is sometimes the case, the vestry appears to have no power of compelling their obedience." The Act, moreover, is merely permissive, and it is alleged that the select vestries were at the date of the report diminishing in number.

Next, as to Self-appointed Select Vestries. The report affirms that these are the worst constituted of all forms of vestries, but the authority, such as it is, is not distinguishable from that of the representative select vestry.

The constitution of the Open Vestry was purely democratic. It consisted exclusively of the ratepayers, that is, the actual occupiers of lands and houses.

Owners, unless also occupiers, were as a rule excluded. On this the Commissioners remark: "If we were now framing a system of Poor Laws, and it was proposed that a great part of the principal contributors to the fund for the relief of the poor should be excluded from all share in the management, and even from all power of objecting to its administration, and that the control should rest in an irresponsible body, many of whom should have little interest in its permanent diminution, what jobbing profusion and malversation would be anticipated from such an arrangement! But such is the existing system. We have seen how slight in ordinary cases is the interest of the majority of the ratepayers in the permanent reduction of the rates. And yet this check, such as it is, is the only one to which vestries are subject. In every other respect they form the most irresponsible bodies that ever were intrusted with the performance of public duties or the distribution of public money. They render no account; no record need be kept of the names of the persons present, or of their speeches or their votes: they are not amenable, whatever be the profusion or malversation which they have sanctioned or ordered or turned to their own advantage. On the other hand, they have all the motives for maladministration which we have ascribed to the overseers. Each vestryman, as far as he is an immediate employer of labour, is interested in keeping down the rate of wages, and in throwing part of their payment on others, and, above all, on the principal object of parochial fraud, the tithe owner: if he is an owner of cottages, he endeavours to get their rent paid by the parish; if he keeps a shop, he struggles to get allowance for his customers or debtors; if he deals in articles used in the workhouse, he tries to increase the workhouse consumption; if he is in humble circumstances, his own relations may be among the applicants; and, since the unhappy events of 1830, he feels

that any attempt to reduce parochial expenditure may endanger his property and person."

Much the same account is given of the Select Vestry. Its meeting, says one witness, "was a call to paupers from the alehouse for relief." "The frequent meetings of the vestry," says another witness, "only tended to encourage applications and to increase dependence on the poor-rate."

The Commissioners then, oddly enough (such occasional contradictions are inevitable in a composite report), express their concurrence with the resolution of the House of Commons committee on vestries, "that the Acts under which the ratepayers are empowered to elect a committee for the management of their parochial concerns have proved highly beneficial." The effect of the admission is, however, reduced to a minimum by the statement that follows. "They (*i.e.* the select vestries) are selected from the same persons who form the open vestry, and are subject therefore to the same corrupting influence. . . . In fact, when we consider the constituency by which they are elected, it appears probable that a profuse or mischievously directed administration must often be what the constituency would approve, and that attempts, to prevent the payment of wages out of rates, to rate cottages, or even to prevent the parish from being surety to the cottage landlord, to reduce the allowances of the customers to the village shop or the beerhouse, to diminish the profit arising from workhouse expenditure, or to incur any present expenditure for future purposes, must in most places expose a select vestryman to immediate unpopularity, and ultimately prevent his re-election."

The boards of guardians are the direct successors, generally with a larger area of administration, of the old vestries, and it is important to notice that while some of these influences, making for maladministration, are removed, many of them still remain.

We now reach a critical point in our Poor Law history. Towards the end of the last century, the report of 1834 remarks, "a period arrived when the accidents of the seasons and other causes occasioned a rise in the price of the necessaries of life. If things had been left to take their course, the consequences in England would have been what they were in Scotland, and what they were with us in those occupations which, from their requiring skill, raise the workman above the region of parish relief."

The general truth of this statement, as far at least as it refers to the impolicy of the action taken by the public authorities in the matter of the relief of the poor, may be admitted; but it possibly underestimates the extent of the misfortune which fell on the civilised world by reason of the terrible struggle of the Napoleonic wars. No nobler monument has been raised to the heroism of that struggle than that last eloquent speech of the great minister. At the city banquet of the 9th November 1805, the Lord Mayor proposed the health of the "Saviour of Europe." "Then Pitt rose and spoke nearly as follows: 'I return you many thanks for the honour you have done me, but Europe is not to be saved by any single man. England has saved herself by her exertions, and will, I trust, save Europe by her example.' With only these two sentences the minister sat down."[1] There is, alas! another side to the shield, and, as Lord Brougham epigrammatically put it, the pilot who weathered the storm was compelled to take aboard six hundred millions of debt by way of ballast.

The expenditure of that great struggle cannot be computed in terms of currency. For nearly a quarter of a century Europe had been expending all its energies in the work of destruction. The enforced application of so large a portion of the nation's

[1] Stanhope's *Life of Pitt*, vol. iv. p. 346.

wealth and energy to war, of necessity, restricted progress in the arts of peace. The spending of a nation's income in the time of peace ought to leave, and as a matter of fact does leave, in the hands of every class a certain permanent addition to their wealth. This is represented by savings invested in innumerable ways: in an improved system of agriculture, in better house accommodation, in ingenious labour-saving machinery, in leisure honestly acquired by a greater mastery gained over the powers of nature, in a larger appreciation of the intellectual enjoyment of science and art,—in a word, in the continuous progress and expansion of civilisation. In a sense these things are permanent possessions. In so far as they are of the nature of investments, they are held on tenures which automatically, through the force of competition, provide for the retirement of such portion as, in each successive year, becomes antiquated and inefficient. They are continually being replaced by new forms of industrial organisation and machinery, which constantly grow in complexity and in their power to satisfy human wants. This is the necessary and unavoidable result of the voluntary spending of a nation's income. An enforced deduction for the cost of a war, and indeed for every other purpose of taxation, withdraws exactly that amount of energy from the more permanent wealth-producing organisation which is based on voluntary exchange. The loss entailed must include not only the amount spent by our own nation, but by all the nations involved in the dispute; the diversion of our permanent productive power into unprofitable channels, and the destruction of the purchasing power of foreign markets. It means a shrinkage in the industrial dividend of the civilised world.

The institution of an enormous national debt, moreover, made it possible for the richer classes of the country to capitalise their contribution to this gigantic

waste.[1] Lord Beaconsfield has called this the Dutch system of finance, and "the principle of that system," he says, "was to mortgage industry in order to protect property." In Holland the funding system was used to build the dykes, a legitimate and wealth-creating use of credit, but, "applied to a country in which the circumstances were entirely different, the system of Dutch finance pursued more or less for nearly a century and a half has ended in the degradation of a fettered and burthened multitude." (*Sybil*, p. 25.)

The millions of the national debt then incurred, if they had been invested freely in the arts of peace, might apparently have had a shorter existence as an investment. Some of it might have been unprofitably spent in applying labour to enterprises which proved unsuccessful; some of it, on the other hand, would have found useful employment; but all of it would have been distributed in the encouragement of industry, either in purchases for current wants or in investment, and in both cases in the remuneration of labour. None of it, moreover, could ever for a moment have been a burden on industry, for by the very essential principle of a free industrial system, capital ceases to earn when the property which represents it ceases to be useful. A funded debt, on the other hand, is a permanent burden on the national enterprise.

Still, it is possible, as the above quotation from the report suggests, that even in spite of this disadvantage an uninterrupted progress might have been continued in the condition of the labouring class. The misfortune of the Great War brought about a social crisis, which was aggravated rather than relieved by the remedies applied; for, as the report goes on to say, "things were

[1] At the beginning of the war (1792) the national debt was £237,400,000; in 1815 it was £860,000,000. "The great war cost us 831 millions. Of this sum about 622 millions were added to the national debt." Dowell, *History of Taxation*, 1884, vol. ii. p. 202.

not left to take their own course. Unhappily, no knowledge is so rare as the knowledge when to do nothing. It requires an acquaintance with general principles, a confidence in their truth, and a patience of the gradual process by which obstacles are steadily but slowly surmounted, which are among the last acquisitions of political science and experience." A correspondent of Sir F. Eden narrates to him how at this crisis a meeting of the Berkshire magistrates was held at Speenhamland, at Easter time 1795, when the following alternatives were submitted to their consideration : (i.) That the magistrates should fix the lowest price for labour, as they were empowered to do by 5 Elizabeth, cap. 4 ; (ii.) that they should act with uniformity in the relief of the impotent and infirm poor, by a table of universal practice, corresponding with the supposed necessity of each family. The first plan was rejected by a considerable majority, but the second was adopted, and the following table was published as the rule for the information of magistrates and overseers.

" This shows at one view what should be the Weekly Income of the Industrious Poor as settled by the Magistrates for the County of Berks, at a meeting held at Speenhamland, 6th May 1795 :—

When the gallon loaf is—	Income should be for a man.	For a single woman.	For a man and his wife.	With one child.	With two children.	With three children.	With four children.	With five children.	With six children.	With seven children.
s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
1 0	3 0	2 0	4 6	6 0	7 6	9 0	10 6	12 0	13 6	15 0
1 1	3 3	2 1	4 10	6 5	8 0	9 7	11 2	12 9	14 4	15 11
1 2	3 6	2 2	5 2	6 10	8 6	10 2	11 10	13 6	15 2	16 10
1 3	3 9	2 3	5 6	7 3	9 0	10 9	12 6	14 3	16 0	17 9
1 4	4 0	2 4	5 10	7 8	9 9	11 4	13 2	15 0	16 10	18 8
1 5	4 0	2 5	5 11	7 10	9 9	11 8	13 7	15 6	17 5	19 4
1 6	4 3	2 6	6 3	8 3	10 3	12 3	14 3	16 3	18 3	20 3
1 7	4 3	2 7	6 4	8 5	10 6	12 7	14 8	16 9	18 10	20 11
1 8	4 6	2 8	6 8	8 10	11 0	13 2	15 4	17 6	19 8	21 10
1 9	4 6	2 9	6 9	9 0	11 3	13 6	15 9	18 0	20 3	22 6
1 10	4 9	2 10	7 1	9 5	11 9	14 1	16 5	18 9	21 1	23 5
1 11	4 9	2 11	7 2	9 8	12 0	14 5	16 10	19 3	21 8	24 1
2 0	5 0	3 0	7 6	10 0	12 6	15 0	17 6	20 0	22 6	25 0

The adoption of the foregoing table is entirely at variance with the limitation of relief to the impotent and infirm, as stated in the preamble of Sir F. Eden's correspondent. The public authority thereby accepted the responsibility of making the income not of the impotent and infirm, but of the *industrious poor*, correspond to this scale. The solemn publication of this table by the magistrates of Berkshire is typical of what occurred elsewhere throughout a large portion of the south of England. Although their action had no legal authority, it represented the average opinion of the time, and was accepted without demur. So unanimous was its acceptance that the proclamation by the Berkshire magistrates was known as the Speenhamland Act of Parliament. The Commissioners in their report give some additional examples of similar proclamations in other parts of the country.

Mr. C. P. Villiers, one of the Assistant Commissioners, stated with regard to Warwickshire and the neighbouring counties, that "to meet the emergency of the time various schemes are said to have been adopted, such as weekly distribution of flour, providing families with clothes, or maintaining entirely a portion of their families, until at length the practice became general, and a right distinctly admitted by the magistrates was claimed by the labourer to parish relief, on the ground of inadequate wages and number in family. I was informed that the consequences of the system were not wholly unforeseen at the time, as affording a probable inducement to early marriages and large families; but at this period there was but little apprehension on that ground. A prevalent opinion, supported by high authority, that population was in itself a source of wealth, precluded all alarm. The demands of the public service were thought to ensure a sufficient draught for any surplus people; and it was deemed wise by many persons at this time

to present the Poor Laws to the lower classes as an institution for their advantage peculiar to this country, and to encourage an opinion among them that by this means their own share in the property of the kingdom was recognised; and to these notions, which were prevalent at this time, must be ascribed the spirit in which the Poor Laws have been administered for thirty years past."

Such were the events which led to the almost universal adoption of the "allowance system." It was brought about by the pressure of the times, by the lack of "an acquaintance with general principles" on the part of the public, by the action of the magistracy in giving expression to the public sentiment, and by the subserviency of the overseers, who probably shared the general opinion. It is not fair, or warranted by the facts, to ascribe, as is sometimes done, all the abuses of the old Poor Law to the ill-considered action of the magistracy. Their authority, it is true, had been repeatedly called in with a view of exercising control over the extravagance and incompetence of the overseers. To call for the assistance of the local justices had always been the remedy for every shortcoming in local government. In many cases it had been a successful remedy; and the verdict of Coke will not be disputed when he says that the authority of the justices constitutes "such a form of subordinate government for the tranquillity and quiet of the realm as no part of the Christian world hath the like, if the same be duly exercised."

No body of men has a better record than our English justices of the peace. The Poor Law, however, is an instrument which it is extremely difficult to wield without causing widespread disaster. The overseers had failed, the justices had failed, and, if the truth is to be told, we must admit that the new guardians under the control of the new central authority

established in 1834, relatively to the opportunities placed within their reach for the dispauperisation of the country, have equally and with less excuse signally failed also.

The Commissioners who drew up the report of 1834 had in their mind a definite policy. They believed that it would be futile to subject the Poor Law as administered by the overseers to the control of the justices of the peace. Yet such a recommendation, they feared, would probably be made, and would be supported by many precedents which had proved successful. The Commissioners accordingly felt themselves bound to state very strongly their objections to this possible suggestion. The result has been that the contribution made by the magistrates to the general confusion and maladministration has been exaggerated by the less observant student. This was the view of Mr. Nassau Senior, the member of the Commission who was in continuous consultation with the Government during the passage of the Amendment Act through the Houses of Parliament (see p. 121).

Statesmen and parliament also contributed their share to the destruction of the independence of the poorer classes which was then so rapidly proceeding.

Mr. Pitt introduced a Poor Law Bill in 1796 which, it is not too much to say, contained some of the most ill-considered and mischievous proposals that were ever submitted to parliament. It is now chiefly remembered by having called forth from Bentham the scathing criticism of his "Observations on the Poor Law Bill, February 1797." The Bill contained a Supplemental Wages clause embodying the principle of the Speenhamland Act. This Bentham described as an equalisation of idleness and industry. Five interpretations, varying according to considerations of locality and skill, he says, can be given to the term "full rate of wages." To one or other of these the administrator

must conform, if he pays any regard to the Act. "Five standards, the lowest of them little less than sufficient, as we have seen, to double the poor-rates, overwhelm the metropolis, and depopulate whatever part of the country is not covered by a town." The second clause is called by Bentham, Family Relief, or Extra Children clause. "First comes the pay of the idler, . . . then comes the extra children of the idler, put in whatsoever number upon the pension list." Then comes the Cow-Money clause. "Hitherto the danger of profusion has confined itself to income: it now threatens capital." . . . "The spigot was there opened, here the bunghole." Then comes the clause giving "opulence Relief," *i.e.* relief to persons whose visible property does not exceed £30,—a plan, he says, for throwing the parish on the parish.

Bentham's pamphlet does not appear to have been published till 1838, when it was found among his manuscripts, and published by Mr. Chadwick. It was presumably communicated to Mr. Pitt. In any case the Bill was withdrawn.

The same lack of acquaintance with general principles pervades the 36 George III. cap. 23, 1796. This Act, after reciting the clause of 9 George I. cap. 7 (see above, p. 77), prohibiting relief to those who refuse to enter the workhouse, proceeds thus: "And whereas the said provision contained in the Act above mentioned has been found to have been, and to be, inconvenient and oppressive, inasmuch as it often prevents an industrious poor person from receiving such occasional relief as is best suited to the peculiar case of such poor person; and inasmuch as in certain cases it holds out conditions of relief, injurious to the comfort and domestic situation and happiness of such poor persons," . . . it then repeals the clause forbidding relief to those who refuse to enter the workhouse, and proceeds more directly to its object by

the following provision: "And be it further enacted that it shall be lawful for any of His Majesty's justices or justices of the peace for any county, city, town, or place, usually acting in and for the district wherein the same shall be situated, at his or their just and proper discretion, to direct and order collection and relief to any industrious poor person; and he shall be entitled to ask and receive such relief at his home or house, in any parish, town, township or place, notwithstanding any contract that shall have been, or shall be, made for lodging, keeping, maintaining, and employing such persons in a house for such purpose hired or purchased; and the overseers for such parish, town, township or place are required and directed to obey and perform such order for relief given by any justice or justices as aforesaid."

The jurisdiction of the justices was modified again by the 59 George III. cap. 12, sec. 5. This Act requires the concurrence of two justices to an order for relief, yet this restriction, as in the case of many other wisely intended clauses in the Act, is neutralised by a proviso enabling one justice to make an order in case of emergency,—an emergency of which he is the judge. The power conferred by those Acts enabled magistrates to enforce the Act of Speenhamland, even if the overseers had been disposed to resist it. The whole evidence, however, goes to show that while here and there a magistrate, an overseer, or a vestry may have endeavoured to stem the flood of pauperism, the more usual course was for all the authorities to unite in a mad competition to extend the influence of these ill-considered enactments as widely as possible.

The difficulty of withdrawing the scale and the guarantee which it proffered was very great. The Rev. John Oldham, rector of Stondon Massey, in Essex, told the Commissioners how in 1801 he drew up a scale (borrowed, he thinks, from Pitt's Poor Bill of

1797) showing the amount due to each labourer and his family, as the quartern loaf varies from 6d. up to 2s. He was thanked for his pains, and the scale was promulgated. The labourers, however, were found to claim under it a regular pension. The magistrates accordingly met in 1806 and determined to recall it. This was done, but much dissatisfaction and ill-humour was the result. The magistrates, however, were firm, and, speaking in 1832, Mr. Oldham's comment is, "nothing is said of it."

It is obvious, however, that any magistrate posing as a "friend of the poor," as it was the fashion to term the facile orderer of relief, could entirely defeat the withdrawal of the scale. The allowance was spoken of as "the County allowance," sometimes "the Government allowance," sometimes the "Act of Parliament allowance," and always "our income." The course pursued by magistrates of this type in ordering the relief of the able-bodied was defended in one case, reported by Mr. C. P. Villiers, by a reference to the Act of 43 Elizabeth, cap. 2. A magistrate in the Pershore hundred of Worcestershire declared that in his judgment a man with four children might be considered as "impotent" within the meaning of that Act. It was pointed out also by Mr. Chadwick and other Assistant Commissioners that the vaguest ideas prevailed as to the earnings and cost of maintenance in a labourer's family. In answer to the question circulated by the Commissioners, "What can a family earn, and whether they can live on those earnings and lay by anything?"

"The answer from Chiswick states that a family *might* earn £49, on which they might live, but could not save. From St. Anne and St. Agnes and St. Leonard, Foster Lane, a family might earn £60; could not live on it. . . . From Holy Trinity-the-Less, a family might earn £93, might live on a spare diet;

could not save anything. Mr. Baker, the coroner and vestry clerk of St. Anne's, Limehouse, states that a family might earn £100, on which they could live but *not* save. The return from Hammersmith declares that a family might earn £49·8, which would give them wholesome food, and that they might and DO save."

With regard to the country, Mr. Chadwick gives it as his opinion that at Gosport Workhouse, which was managed by the experienced contractor, Mr. C. Mott, "the able-bodied paupers are clothed and fed better than most labouring men, at an expense of 2s. 6d. per head; allowing 6d. for the retailer's profit and 1s. for rent, the allowance to enable an out-door pauper to live in the same manner would be 4s. per week. If the allowances in aid of wages are tried by this rule it will be found that a large proportion of them are in error to the extent of 100 per cent." Many witnesses, he also reports, from Devonshire declare that the labourer can save nothing; yet in the returns of the Exeter Savings Bank we find upwards of £70,000 saved, under all obstacles, by 2000 labourers, or by one out of every ten heads of agricultural labourers' families in the same county. When opinions varied so widely, and when labouring people did contrive to save out of low wages, it required more than magisterial wisdom to declare what was and ought to be the cost of maintenance in a labourer's family.

The year 1795 saw the complete abolition of the more tyrannical and unjust features of the law of settlement. The statute of 35 George III. cap. 101 (1795), is entitled an "Act to Prevent the Removal of Poor Persons until they shall become actually Chargeable." This emancipatory legislation came too late. No statutory enactment could now remove from the English poor the immobility imparted to their character by the influence of the Poor Law.

"In Scotland," Lord Kames had remarked, "the price of labour resembles water, which always levels itself; if high in any one corner, an influx of hands brings it down." A more important corollary—one, indeed, which illustrates and explains the whole course of the migrations and mutations of labour—is that "if low in any one corner, an efflux of hands brings it up." Sir. F. Eden, in quoting this passage from Lord Kames, points out that this mobility of labour is not absolute, and that if his lordship had lived to peruse the Statistical Account of Scotland he would have made his statement less confidently. The observation is perfectly just as far as it goes. Mobility in this connection must be understood in a relative sense. Physical obstacles such as obtained in the Highlands of Scotland formed to some extent a barrier against the movements of the population. But the existence of such natural disabilities forms no justification for making the imaginary line which divides one parish from another assume the proportion of an impassable mountain or a stormy and dangerous sea. Yet this had been the result of two centuries of subjection to the English Poor Law.

The "plausible advantages" conferred by the immobility of servitude or status have induced men to compass them by many expedients. One which, in the modern practice of trade unionism, has attained great prominence is alluded to in the following anecdote related by Sir F. Eden: "A few years ago, in consequence of the increased population of a village in the West Riding of Yorkshire, a shoemaker, who resided in a distant part of the country, was induced to move thither, with his family and stock, which consisted only of the implements of his trade and an industrious pair of hands. An old inhabitant of the parish, of the same vocation, who had long enjoyed all the business which it afforded as exclusively as one of King James's patentees could have done, was alarmed at the in-

truder. With true monopolising spirit, he represented to the parish officers that the village could only maintain one of his trade: the probability of the new-comer's becoming chargeable was strongly urged, and his removal was at length determined on. The rector, however, who was a man of property, judiciously interfered, and by threatening to let a small tenement of £10 a year to the poor man (whose only "security for the discharge of the parish" was his industry), silenced the clamour which had been raised against him. The short sequel of the story is, that the new-comer firmly established himself, and notwithstanding a great competition in his trade (for there are now not two only but five shoemakers in the parish), earns a comfortable maintenance for himself and a large family." (Eden, vol. i. p. 183.)

Sir F. Eden remarked that after the passing of the Act 35 George III. cap. 101, as above mentioned, such an incident would not be possible. This, of course, is so far true. The law could no longer be put in motion in the way described, but the same motives have devised other expedients for attaining the same end. It may be freely admitted that contract between employer and employed does not, and probably can not, give a guarantee of continuity of employment. This depends, but with ever-increasing certainty and assurance, on the stability of economic conditions which lie outside the control of both master and man. It is not therefore surprising that the labourer is still inclined to follow the former error of the legislature. The trade union's claim to the "right to a trade" for its own members is merely a rehabilitation of the "plausible advantages" which arise from feudalism, parochial settlement, and from industrial caste, all of them conditions of status, and, on careful analysis, shown to be vicious anachronisms in the economy of a progressive community.

In narrating the work of the Assistant Commissioners, appointed under the Poor Law Amendment Act, it will be necessary to give concrete illustrations of the state of things which it became their duty to remove. The greater part of the abuses of the old law were brought to an end, not by the new Act itself, but by the orders of the Commissioners issued under the authority conferred on them by the Act. One form of maladministration, however, ceased and determined by the passing of the Act, namely, the jurisdiction of the magistrates. This it is necessary to illustrate here, as opportunity may be wanting when in a later chapter we come to consider the work of the Assistant Commissioners.

With regard to the country magistrates, the position of affairs was somewhat as follows. Where there was a "scale," the overseers, or, in case of the refusal of the overseers, the magistrates, were inclined to make every labourer's income up to the limit indicated in the scale. Employers accordingly dismissed their labourers wholesale, leaving them to be paid by the parish, or paid them an entirely inadequate sum, and left them to obtain the remainder of their maintenance from the overseer.

If the scale was not fixed, each magistrate who was disposed to interfere with the discretion of the overseers made his own scale, and, as above shown, this varied within the widest conceivable limits. The good-natured, inexperienced magistrate was, of course, besieged with applications, and in most districts there was some one magistrate who had the reputation of being more than others accessible to this form of application.

"At Over," says Mr. Power, "a village not far from Cottenham, I found a person of great judgment and experience in Mr. Robinson, the principal farmer of that place. He is now serving the office of overseer

for the fourth time. . . . He complains bitterly of the obstruction given to their exertions by the decisions of the magistrates ; they are always against him, and he regrets some unpleasant words spoken to him very lately by one of the bench. On one occasion he had refused payment of their money to some men who would not keep their proper hours of work upon the road ; they complained to the bench at Cambridge, and beat him as usual, and returned to Over wearing favours in their hats and button-holes ; and in the evening a body of them collected in front of his house and shouted in triumph."

The invidiousness of refusing the pauper's appeal kept many of the best class of gentry from serving on the bench. The pauper, moreover, had power to choose his own tribunal. At Gamlingay the overseer, having a difference with some of the paupers, was summoned to attend before a magistrate 6 miles off. " On the day of their attendance there, something prevented the case being heard, and they all returned to Gamlingay together. In passing the house of another magistrate, about 2 miles from home, the overseer said : ' Now, my lads, here we are close by, I'll give you a pint of beer each if you'll come and have it settled at once, without giving me any more trouble about it.' The proposal was rejected without hesitation."

Great pains, the Commissioners admit, were frequently taken by the magistrates to perform their invidious duties impartially, " but here, again, the question degenerated into a statement and counter-statement, unsupported by any evidence or document, so that the bench, with every desire, had not the power to do justice." The effect of this on the vestries, which might have supported the overseer, was to prevent many respectable persons from attending. They preferred to leave the " overseers to fight it out with the magistrates ! "

Next, as to the jurisdiction of the magistrates in towns, the description given by Mr. Chadwick of the methods followed by Mr. Benett, one of the magistrates sitting at the Worship Street Police Court, reads more like a burlesque than a record of judicial procedure in the nineteenth century.

The chief clerk of the magistrates stated that summonses against parish officers for refusing relief were granted indiscriminately. It was the practice of the magistrate to send his officer, with batches of paupers, sometimes as many as 20 at a time, to the overseer with an order for their relief. If he could not find an overseer, the officer relieved out of his own pocket, and Mr. Benett obliged the overseer to refund. A large number of the persons so relieved were vagabonds or prostitutes.

The evidence collected by Mr. Chadwick was submitted to Mr. Benett for his remarks, and large extracts from his answers are printed in the Commissioners' report. "My practice," he says, "is invariably this. When the pauper applies for relief, the first question put to him is, 'Do you live in the parish?' The second question is, 'Have you asked the overseer for relief and been refused?' If the answers are in the affirmative I grant a summons. If the overseer does not appear to the summons, and the pauper applies again, I ask if he has given the overseer the summons. If the answer is again in the affirmative I grant a second summons, with a recommendation in the margin that immediate relief may be given to the pauper; it is only a recommendation. If the second summons is not attended to, and the pauper applies the *third* time, I ask him if he has given the second summons to the overseer, and if the answer is still in the affirmative I send an order of 6d. a day for an adult, and 3d. a day for a child, for seven days, the Act of the 59 George III. cap. 12, sec. 5, empowering me to make an order for 14 days,

or until the next petty-sessions, where there is no select vestry. The order is served on the overseer by one of the officers of the establishment, who keeps a copy. This is my *general* practice, but in case of urgent distress I send a summons with the recommendation of 'immediate relief' on the margin by an officer, and also on the Saturday night, when the overseer does not appear to a previous summons."

The overseers state that it is a mere matter of form for a pauper to say that he has had no victuals that day, and it is very rare for any investigation to be made. On this Mr. Benett remarks that the onus of proof lies on the overseers who have refused relief. It is impossible for him to examine 40 or 50 paupers at a time. On one occasion about 50 persons, armed with a magistrate's order, came to the overseer's house. He declared he could not see the parish robbed, and said he would attend at the court. This he did, accompanied by the 50 paupers. Mr. Benett declined to have his court made a vestry room, but the overseer insisted on going into each case. After about a dozen cases had been considered the magistrate began to get very angry at the prospect of a long detention, and the overseer offered to take the rest of the party into the house. The overseer and his beadle and the train of paupers then set out from the court amid the execrations of the paupers. On the road to the workhouse they all, except about 10, slunk away in the by-streets.

These scenes took place, as a rule, on Saturday evenings, when the unfortunate magistrate sat in his office till near midnight. At times over 100 paupers would attend, and disgraceful recriminations would pass between the magistrate and the overseers. "No one can read Mr. Benett's evidence," says the report, "without being convinced of the excellence of his intentions; and our following remarks are directed not

against him individually, but against the system of which he is one among many administrators. It appears that he considers every adult within his district entitled, merely on his own showing, to 6d. a day from the public, unless the overseer can show cause to the contrary."

CHAPTER V

THE PREPARATION OF THE BILL

Mr. Nassau Senior and Mr. Sturges Bourne consulted by the Government—Their interviews with members of the Government, and discussion on the Bill.

On the 17th of March 1834 Mr. Nassau Senior and Mr. Sturges Bourne, two of the Commissioners of Inquiry, were summoned to attend a cabinet meeting. The whole cabinet, to the number of 14, was present. A draft Bill which had been considered and adopted at a cabinet meeting on the 16th was produced.[1] An account of this meeting and of many subsequent negotiations is given in a manuscript diary left by Mr. Nassau Senior. It is of interest as showing the vicissitudes of the measure before it was submitted to the approval of parliament. A short recital of some of the more important episodes will not be out of place at this part of the narrative.

The solicitor charged with the duty of instructing counsel for the drafting of the Bill appears to have been Mr. Meadows White, a member of the firm, White & Borrett, who, at the suggestion of Mr. Nassau Senior, attended many of these interviews. Mr. Sturges Bourne, Mr. Nassau Senior, and Mr. Chadwick were also privy to the negotiations attendant on the drawing up and amending of the measure. Mr. Senior himself,

[1] Among Mr. Senior's papers are various "Notes of Heads of a Bill" and "Measures submitted by the Poor Law Commissioners to His Majesty's Ministers." The first of these documents seemed to have been sent to such authorities as Rev. T. Whately, Mr. Nicholls, Mr. T. Walker (London Police Magistrate, and author of *The Original*), Mr. Tidd Pratt, Mr. Mott, Mr. Tooke, Mr. Brushfield of Spitalfields, and others.

however, was the principle intermediary between the Government and the Commissioners of Inquiry, on whose report legislation was avowedly framed.

At the meeting on the 17th the clauses were taken in order. The first point on which discussion arose was the power to be committed to the Commissioners of issuing orders. It was proposed that these orders should be submitted to the Secretary of State. Mr. Senior objected that this would cause delay. The clause was ordered to stand over. It may be mentioned that on Thursday, 20th, Mr. Senior had an interview with Lord Melbourne on this point, and suggested that only general orders, *i.e.* orders issued to more than one union, should be laid before the Secretary of State, and come into force after 40 days. Orders to individual unions were to be peremptory, and to take effect at once. The important provision authorising the union of parishes was approved without much discussion.

Then followed a clause (12 in the original draft) empowering the Commissioners to rate parishes for the building of workhouses and other purposes. This gave rise to much discussion. Lord Althorp objected on constitutional grounds. He was supported by the Duke of Richmond, while Lords Lansdowne and Ripon were in favour of the clause. The rest of the cabinet appeared undecided. Mr. Sturges Bourne and Mr. Senior dwelt on the strength of the vested interests which had to be overcome, and instanced the case of a workhouse rendered useless because the local authority refused to pay for a key. The workhouse system could not be brought about unless the Commissioners had this power. The discussion proceeded for some time, and at length Lord Althorp was invited to explain what substitute he could suggest. He then proposed that (1) Power should be taken away from magistrates. This was agreed to by all. (2) Allowance should be forbidden to

persons in employment. (3) Labour should be exacted from all, and relief should be by way of loan. Mr. Senior pointed out that labour given under such conditions would not be *bonâ fide*. "Labour from six to six and I will lend you a shilling," was, he thought, a demoralising form of contract. The Duke of Richmond would not even go as far as Lord Althorp. He would abolish the power of magistrates and form unions; for the rest, he would rely on the effect created by the publication of the reports. "A Whately," it was said, "would arise in every parish." This, Nassau Senior argued, would no more cure the present abuses than the sermon against extortion cured the usurer in the *Diable Boiteux*. At this point the cabinet, which had sat from four to a quarter to seven, seemed tired, and Lord Grey told Mr. Senior to take the Bill away and alter the clauses with a view of meeting some of the objections named. He was instructed to submit his new proposals to Lord Melbourne, the Home Secretary, on the 20th. To this interview he asked leave to bring Mr. White, as the person best acquainted with the details. As already stated, the compromise about "general orders" was accepted by Lord Melbourne, and with regard to the building of workhouses it was agreed that if the expense exceeded a certain outlay the consent of the parishioners should be obtained. Much debate subsequently took place as to what this "certain outlay" should be. The final decision is contained in Sections 23, 24, 25 of the Act.

These two important principles settled, Mr. Senior and Mr. White attended a meeting of the committee of the cabinet on the Saturday, *i.e.* the 22nd. The Bill was now in print. Each clause was read by Mr. White and considered. The Duke of Richmond objected to the board being made a "court of record," a provision which would give the Commissioners a certain immunity from legal actions, and also the power of

committing for contempt of court. Mr. Senior explained that this was necessary, and dwelt especially on the danger arising from "low attorneys," who might lend themselves to a variety of vexatious proceedings.

The board was given power to dismiss its Assistant Commissioners, and, at the instance of Mr. Senior, power to dismiss the secretary also. A clause in the Bill as originally drafted gave the Commissioners power to state what amendments might be necessary. This was struck out as unnecessary, and as suggestive of continual change.

On the next day (Sunday) the committee met again, and the Duke of Richmond made the important proposal authorising the Commissioners to dissolve and re-incorporate existing corporations. This was adopted, but under conditions which, as the event proved, rendered their authority in this respect well-nigh inoperative. The limit of expenditure which the Commissioners might order for the purpose of providing workhouse accommodation was discussed at great length, and it was finally decided that one year's rates might be expended, and that money might be borrowed, subject to provision being made for repayment by instalments during ten years, a provisional agreement which was afterwards largely modified. Mr. Senior suggested that the Emigration clauses might be omitted to lighten the Bill, and introduced as a separate measure. Lord Lansdowne overruled this advice.

Then came the main operative clause of the Bill, that which empowered the Commissioners to prohibit out-door relief to the able-bodied after a certain date. The Duke of Richmond, Lords Lansdowne, Ripon, and Melbourne opposed this "vehemently." The Duke said—(1) That workhouse accommodation for all existing paupers would have to be made; (2) that when a man once went into the workhouse he would never come out; (3) that a rural rebellion would be the result;

(4) that the Report of the Commissioners had opened people's eyes, and better administration would certainly follow. There would be found, as the phrase went, a Whately in every parish. Sir James Graham appeared to lean to this view. Lord Althorp and Lord John Russell said little, and reserved themselves till the experts had met these objections. Mr. Senior and his friends referred to the experience of Bingham and Southwell and, above all, Uley. At Uley it was stated that the workhouse changed its inmates three times in one week. Few able-bodied men went in, and, when in, they soon came out again. As to a rebellion, nothing could be worse than the present situation. Moreover, the change at Uley and elsewhere had no such effect. As to the power of the vestries to reform themselves, this was in the highest degree improbable, overseers and vestrymen were interested in the existing abuses. Intimidation would in many instances paralyse a local board which attempted reform. The reform must be carried out by " those who had no stacks to be burned." Quite so, retorted the Duke of Richmond ; he objected to three lawyers sitting safely in London obliging local authorities to undergo this risk. The meeting here adjourned, and Lord Althorp directed Mr. Senior to draw up a clause reciting the advantage of the workhouse test for the able-bodied, but giving parishes, ordered to adopt this policy, leave to state their objections. The next meeting took place on Thursday, the 27th March. The Duke still persisted in his objection. He asked Mr. Senior, Was not all the mischief done by the magistrates acting as a court of appeal ? Mr. Senior replied that this was not so. The evidence against the magistrates could not be accepted. The mischief, as a rule, came from the vestry. It was true, that 40 years ago the magistrates had contributed their share to the present evils, but now the magistrates had realised the nature of the

crisis and were, with few exceptions, in favour of reform. The Duke said that the clause would not pass the Commons, and would excite an irresistible burst of indignation. Lord Lansdowne, who appears to have been converted by Mr. Senior's argument, then declared that they must do their duty, undeterred by such fears.[1] This view was then adopted.

On Thursday, the 30th, the committee met again, when a new clause was introduced, in consequence of the way the Workhouse clauses had been crippled. This prohibited, after a given day, all out-door relief to the able-bodied. The Bastardy and Settlement clauses were then considered and adopted. Sir James Graham asked, in the course of the discussion, what would be the effect of abolishing all modes of acquiring a settlement by hiring, service, apprenticeship, renting or purchasing a tenement and estate, and substituting no others. Mr. Senior replied that such a proposal would probably meet with little opposition, but that in 40 or 50 years' time all settlement would be by birthplace of the ancestor living in 1834. This was the last meeting of the committee. The next three days were occupied in finishing the Bill according to the committee's instructions. The Bill, finally redrafted, was given to the cabinet on Friday, the 4th April. There was a cabinet meeting on the 12th. At this neither Mr. Senior nor his friends were present. On the 13th the cabinet met at 2 o'clock, and Mr. Senior and Mr. White were directed to attend. At 5 o'clock they were called in and told that the cabinet had resolved as follows:—(1) The Commissioners should not be given power to order expenditure on workhouses without consent of the majority of owners or rate-payers. (2) Clauses were to be inserted to allow parishes to unite for all purposes. (3) Severe penal-

[1] Mr. Senior was wont in after years to describe the magnanimous remark of Lord Lansdowne as decisive of the fate of the measure.

ties were to be decreed for the master of a workhouse who was guilty of misconduct.

Mr. Nassau Senior and Mr. White were then directed to attend a meeting of the cabinet on Tuesday. In the meantime Mr. Nassau Senior, deeming the alteration indicated in the first of these proposals as fatal to the Bill, sought out Lord Lansdowne, and asked if he might urge the cabinet to add a clause enabling the Commissioner to oblige parishes to spend one-tenth of the rates on providing a workhouse. Otherwise, he pointed out, the Bill would be an Act to enable the Commissioners to amend the law "in such parishes as shall consent thereto." To this Lord Lansdowne agreed, and recommended Mr. Senior to propose such a clause. On Tuesday, the 15th, the cabinet met at Lord Althorp's. Before the meeting Mr. Senior went over the same ground with Lord Althorp. The old clause, in his lordship's opinion, would have wrecked the Bill. The landed interest was looking for relief, but a proposal of relief by means of increased expenditure was not likely to be received with much enthusiasm. He agreed to Mr. Senior's proposal of giving the Commissioners power to compel an expenditure of one-tenth of the rate. On the 16th there was another meeting, at which Mr. Senior, Mr. Chadwick, and Mr. White were present. Nothing material passed on this occasion, and as the following day had been fixed for the introduction of the new measure, the interest of these negotiations is of necessity shifted from the cabinet to the larger arena of the House of Commons.

CHAPTER VI

THE PASSING OF THE BILL

Lord Althorp introduces the Bill—Its favourable reception—The hostility of the *Times*—Criticisms and objections—Mr. Poulett Scrope's speech, the falsification of his prophecy—Comment thereon—The Bill in the House of Lords—Lord Brougham's speech—The Bill passed—Analysis of the Act—Comment on the limited nature of the reform—The appointment of the Three Commissioners.

On 17th April 1834 Lord Althorp, the Chancellor of the Exchequer, moved for leave to introduce the new measure. His speech, which occupies some 15 columns of Hansard (vol. xxii.), gave a clear and conciliatory summary of the findings of the Commission of Inquiry, and of the remedial measures which, on their recommendation, the Government was now proposing to the House. A short and interesting debate followed. Sir Samuel Whalley, a metropolitan member, professed to approve of the Bill generally, but objected to the creation of a central board. Mr. Tower and Sir Charles Burrell made some remarks in favour of parish employment, but, with these exceptions, every speaker warmly supported the principle of the Government measure. Some distinguished names are to be found among the speakers. Colonel Torrens, the economist. Mr. Edward Bulwer Lytton, who remarked that he had himself formed a plan nearly identical with that of the noble lord. Mr. Joseph Hume, the rigid and indefatigable critic of Government expenditure, exulted in the fact that now the overseers of a parish would be able to hold up an Act of Parliament against the demand of the

sturdy pauper. He remarked that the clauses proposed with regard to bastardy would assimilate the English law to that which obtained in Scotland with satisfactory results. Sir Thomas Fremantle approved strongly of the appointment of a central board. As a magistrate, he willingly relinquished his responsibility in favour of such a board. Its duty, he added, with truly prophetic insight, would be a very onerous and unpopular one. He recommended a co-operation with private charity for the assistance of hard cases, a point destined to assume great importance in future controversies about the Poor Law. He urged also the necessity of creating a sufficient system of audit, an omission in the Bill which caused much inconvenience and difficulty till it was remedied by subsequent legislation. Mr. Slaney, who throughout remained one of the staunchest supporters of the new measure, congratulated the House on the absence of party feeling. Mr. Poulett Scrope, member for Stroud, who afterwards took an active part in opposing the measure, on this occasion expressed his hearty concurrence with the noble lord. Lord Althorp thanked the House for the friendly character of the debate, and the motion was agreed to without a division.

The favourable reception given to the Bill emboldened Mr. Senior, while the Bill still remained in the printer's hands, to insert, with the concurrence of Lord Althorp, a clause giving the Commissioners power to compel the local authorities to hire as well as to build suitable workhouses, and also to increase the sum which might be compulsorily devoted to this last purpose from one-tenth to one-fifth of the annual rate. Some alterations which seemed to Mr. Senior immaterial were also introduced at the last moment, in deference to the wish of the Duke of Richmond, who still continued to

object to the too frequent mention of the workhouse test.[1]

The Bill was in the hands of members on the 23rd April, and such further changes as were made were adopted publicly.

The first stage of the new measure was thus accomplished without accident. It remained to be seen what reception would be given to it by the press and by public opinion generally. Miss Harriet Martineau, in her *History of the Peace*, gives a graphic but not altogether accurate account of what followed. "As it was no party matter, it was impossible to divine how the newspapers would go. The only thing considered certain under this head was that the *Times*—the great paper of all—was wholly in favour of the reform. One of the editors had, a few days previously, sent a message declaratory of intended support to some of the managers of the measure. Up to the last moment, though the prospect was wholly uncertain, everything looked well. And at midnight of the 17th everything looked still better." Lord Althorp's speech had been well received. This fair prospect was disturbed next morning by the somewhat chill announcement in the *Times* that Lord Althorp's motion had been carried at a late hour, but that time did not allow of any comment. Miss Martineau is in error in supposing that the hostility of the *Times* declared itself at once "in a thundering article." On the 19th there appeared a critical, but not altogether unfriendly, article. In the issue of the 22nd April it

[1] Mr. Chadwick always objected to the expression workhouse test. The idea of the workhouse, he always insisted, was derived from the practice of the working classes themselves with regard to their own friendly societies. The rule was "all or nothing." The Friendly Societies prohibit their members from working when in receipt of sick pay, and enforce their rule by a system of inspection. This is not practicable for the public authority, which is therefore obliged to offer all or nothing in some other form.

was announced in the *Times* that the Bill was to be distributed next day. An early copy had, however, been procured, and was made the basis of a hostile but still moderately expressed article. It is not, indeed, till the end of the month that we come on anything answering to Miss Martineau's description of a "thundering article." In the advertisement columns of the *Times* of the 30th April it is announced that "this day" is published "a letter to the electors of Berkshire on the New System, by John Walter," member for that county and proprietor of the *Times*, and a leading article remarks that the more we consider this proposal "the more (involuntarily and really against our wishes) do our apprehensions increase respecting it," and goes on to make some disparaging remarks about "the plotting pericrania of Mr. Senior," and his friends. From this date forward, and for many years, the *Times* was to be numbered among the most pertinacious and virulent of the opponents of the new law.

The hostile attitude of Mr. Walter was well known to the promoters of the Bill at a much earlier date. In a letter to Lord Lansdowne, dated 2nd March 1834, Mr. Senior had remarked that the scheme, as foreshadowed in the Extracts published by the Commissioners of Inquiry, had met with no opposition except in "a silly paragraph in the *Times*, which speaks only the sentiments of Mr. Walter, who wishes to sit for Berkshire as the poor man's friend, and some ravings of Cobbett's." It seems probable that the friends of the measure had, in the interval, sought to enlist the aid of the editors[1] of the journal, and that one of them

[1] The editors of the *Times* at that date were Thomas Barnes and Edward Sterling. The first is described by Greville as "evidently a desperate radical," and the transference of his support to Sir R. Peel in 1835 occasioned much remark. His conduct was sometimes attributed to his dislike of Brougham, who had been a contributor to the *Times*. The eccentric Chancellor was an adept in the art of making enemies, and the

had used language which had given rise to misunderstanding, or possibly given a pledge which he was unable to redeem. The rest of the story is given on the authority of Miss H. Martineau. The high opposition of the *Times* was, of course, a serious blow to the ministers responsible for the Bill. It was not a measure which could be piloted through parliament in the face of a strenuous opposition. The country magistrates and the class which read the *Times* were in despair over the ravages caused by the abuses of the old law, and prepared to welcome any change. At the same time, they were smarting under the curtailment of their political influence due to the recent passage of the Reform Act. The *Times* had therefore a great power for mischief. Before London had breakfasted on the morning of the 18th, Miss Martineau tells us, or, as in view of the dates above given, some time towards the end of April 1834, a wealthy member of the House of Commons[1] was in the city and, with a friend, had bought the *Morning Chronicle*, and "comrades were beating about" for writers who were familiar with the new measure, and the arguments and principles on which it was based.

The breach between the supporters of the Bill and the *Times* was further widened by personal considera-

story narrated by Miss Martineau is perhaps an unnecessary multiplication of causes. Captain—or, as he preferred to be called, Mr—Edward Sterling was the father of Carlyle's friend John Sterling. Carlyle, in his biography of the son, speaks of the father as Captain Whirlwind, and describes him as an amiable and impulsive man who entertained 365 different opinions in the course of the year. The excellent Miss Martineau, as may be read in her autobiography, harboured strong feelings of resentment against both these gentlemen, and indeed against many others.

[1] This appears to have been Mr. (afterwards Sir) John Easthope, Liberal member for Banbury. He bought the *Morning Chronicle* for £16,000 from Mr. Clement, who had paid £23,000 for it in 1823. It was then, and till 1841, edited by Mr. John Black. The last-named gentleman lived on terms of intimacy with Brougham, the Mills, and other members of the Liberal party. He seems also to have been a friend of Mr. W. Coulson, one of the Commissioners of Inquiry.

tions. Miss Martineau relates that Lord Brougham, sitting in his Court, wrote a letter, addressed to Lord Althorp, in which he recommended that they should set the *Times* at defiance, and at the same time made use of some very disparaging remarks on the editor of that journal. This letter was not sent, but was torn up by Lord Brougham himself.[1] It was pieced together by some unscrupulous person, and found its way to the editor in question.

It is alleged that this letter was published in the *Times*. Search has been made in the file of the *Times* for any document of this nature, but in vain. On 26th May it is remarked that "great functionaries are chuckling over the supposed want of power of the press in its not being able to destroy the Poor Law Bill in the Commons." This possibly is a covert allusion to this unfortunate transaction. The *Times* certainly threw itself into opposition with remarkable energy, and with a truculence which contrasts oddly with the stately periods which the present generation is accustomed to associate with the leading journal. The Commissioners are described as a "Pinch-pauper Triumvirate." The opposition papers are mentioned as "the Shuffling *Chronicle* and the Slavish *Globe*." Long and almost verbatim reports of vestry meetings called in opposition to the Bill occupy what seems to be more than their legitimate space in the daily issue. Allusion made in parliament to the delay in issuing Mr. Senior's Foreign Appendix to the Report provokes the patriotic sentiment: Foreign indeed,—why, the whole Bill is "worse than Egyptian bondage." A youthful supporter of the Bill, we suspect Mr. Chadwick, appears to have had the temerity to distribute a pamphlet in the lobbies of the House; he

[1] In Molesworth's *History of England*, 1830–74, vol. i. p. 317, it is stated that the letter was printed, and that Brougham, being unable to detect the culprit, dismissed all the officers of his Court.

is described as a "sucking Solon of the Benthamite breed." All of which is evidence of the ruffled equanimity of the editorial mind.

To return to the Bill. Printed copies were distributed on or about the 23rd April, and the *Times* had declared its hostility in an unmistakable manner on the 22nd.

On the 27th Lord Althorp had another conference with Mr. Senior, and proposed, but without approving, the insertion of clauses providing for (1) a right of appeal from the Commissioners; (2) the exemption of the metropolis; (3) the limitation of the Act to five years. The first of these alterations, he candidly admitted, was absurd. He pointed out that the Court of Appeal, whether it consisted, as suggested, of the judges, the Secretary of State, or the Privy Council, was really quite incompetent to deal with the issues involved in such a controversy. To this Mr. Senior agreed. He was nevertheless instructed to prepare clauses in this sense. With regard to the exemption of London, his lordship very pertinently asked, Did the proposers of this plan wish to make London the sink of all the pauperism in the kingdom? The limitation to five years he regarded as a merely nominal concession, to which there was no great objection,—a view which subsequent events were destined to falsify in a very decisive manner.

Mr. Senior suggested the addition of a clause prohibiting the Commissioners from sitting in parliament, a certain alteration in the machinery for voting, and thirdly, the reintroduction of a clause giving discretion to the Commissioners to permit a continuance of the allowance system after 1st June 1835, the date named in the draft of the Bill for the termination of this abuse, if, in their judgment, such a concession was imperative.

Lord Althorp wished the Commissioners, or one of

them, to sit in parliament. This would increase their responsibility, and give the Commissioners a mouthpiece to explain and defend their action in one or other of the Houses of Parliament. Mr. Senior urged, that in this case they would be thinking of their constituents and not of their duties. Further, they would go in and out with successive Governments, an arrangement which would be fatal to steady management and continuity of policy. Lord Althorp accepted the first and second of Mr. Senior's suggestions. The third was recommended to him as a safety-valve, but he thought that this part of his Bill was popular, and he seemed inclined to stand by it as originally printed.

On Sunday, the 4th May, Lord Althorp informed Mr. Senior that he and Lord Grey had agreed to accept this last-mentioned proposal and to abandon the suggestion of creating a Court of Appeal.

At the same meeting the clause, then numbered 48, was altered to admit out-relief to the able-bodied in cases of sudden and urgent necessity, Lord Althorp, with remarkable prescience, adding that the alteration, though necessary, would be productive of much fraud and evasion of the law.

On the 8th May, the day before the second reading, a meeting took place at which the proposed limitation of the Act to five years was again abandoned.

On 9th May 1834 Lord Althorp moved the second reading without a speech. Colonel Evans, member for Westminster, had not read much of the reports, admitted the evils, but thought less objectionable remedies could be found. He moved, but almost at once withdrew, an amendment against the Bill as "being utterly subversive of the representative principle of local government." Sir Samuel Whalley, M.P., Marylebone, objected on similar grounds to the appointment of Commissioners, and urged that the ratepayers

were equal to managing their own funds. He moved that the Bill be read a second time that day six months. Mr. Grote, the historian, supported the second reading in an admirable speech.[1] He was followed by Mr. Slaney, who dwelt in great detail on the evils revealed by the Commission and on the successful experiments at Uley in Gloucestershire, at Southwell in Nottinghamshire, and at Swallowfield and Cookham in Berkshire. The introduction of the new system into these formerly pauperised districts had produced neither distress nor disturbance, and persons who before were paupers were now found contributing to savings banks. Sir Francis Burdett felt great repugnance to a Bill which took from the poor "all hope whatever of relief from their embarrassments, however temporary." He preferred to leave each parish free to adopt the methods of improved administration. Mr. Richards attacked Mr. Walter for his pamphlet, which he described as an unjust attempt to raise a cry against the Bill. This brought up Mr. Walter, who complained that the poor were being deprived of the rights of maintenance and employment assured to them by the constitution. Mr. Hume affirmed roundly that the most infamous measures were being taken to create prejudice against the Bill. Lord Althorp argued that the fact of improvements having

[1] The conclusion of Mr. Grote's speech was as follows: "I know that I have done this at no small risk of favour and popularity to myself; for I understand that a petition was this day presented from my own constituents, directed strongly against the passing of this Bill. . . . But so strong is my conviction of the absolute necessity of some large remedial measure as an antidote to the overwhelming evil of pauperism; so firm is my belief of the necessity of some central supervising agency to secure the fulfilment of any salutary provisions which the legislature may prescribe; so strong is my conviction on these cardinal points—that if it were to cost me the certain sacrifice of my seat, I should feel bound to tell my constituents that I dissented from them, and that I would do my best to promote the attainment of this necessary and in the main valuable remedy." Mr. Grote opposed the concession limiting the Commission to five years; also concession on the Bastardy clauses.

been introduced in different parts of the country was, in his mind, a reason for providing machinery to make these improvements general. Sir James Scarlett, afterwards Lord Abinger, who had formerly promoted Bills for the reform of the law, took exception to the union of legislative and executive functions in the Commissioners. The Bill was then read a second time by 319 ayes to 20 noes.

On Saturday, 10th May, Mr. Senior again saw Lord Althorp. His lordship proposed to introduce further limitations of the Commissioners' power to compel parishes to build workhouses. He also expressed himself in favour of exempting parishes of 10,000 inhabitants from compulsory union with other parishes. Mr. Senior argued strenuously against both suggestions. Mr. Chadwick, to whom information as to these conclusions was conveyed, was of opinion that this last proposal was fatal to the success of the Act. He accordingly employed himself all Sunday in writing a protest. On Sunday evening a clause, making the power of compelling parishes to build subject to the consent of petty-sessions, and limiting the amount to £50, or one-tenth of the rate, whichever was the lesser sum, was submitted and approved. With regard to the exemption of parishes of 10,000 inhabitants, Mr. Senior begged Lord Althorp to read Mr. Chadwick's Memorandum. The concession, Lord Althorp explained, was designed to remove the objection of the metropolitan members. Later, on the same evening, Lord Althorp informed Mr. Senior that he had read Mr. Chadwick's paper, and that he was convinced by its argument.

On going into committee, on 14th May 1834, a series of instructions were moved; the first, by Mr. Godson, was for the division of the Bill into two or more Bills. The debate on this motion is interesting, as it is one of the few occasions on which the leader of the opposi-

tion, Sir R. Peel, intervened in the discussion of the measure. The intention of the instruction was undoubtedly hostile, but Sir Robert Peel had no very strong opinion as to its wisdom. Against this temporising attitude Sir Matthew White Ridley protested strongly, and the motion was withdrawn. Mr. Robinson next rose to move certain resolutions of which he had given notice. His speech is a fair specimen, the first that had been made in the debate, of the unreasoning prejudice and timidity of those who admitted the greatness of the evil to be combated, yet used every device of false sentiment and misrepresentation to impede the passage, and afterwards to hinder the harmonious working of the reform. There were, he said, hundreds of thousands to be dealt with; the "excess of labour" was enormous; the introduction of machinery and other causes were augmenting the number; and all the noble lord proposed was to shut them up in a workhouse. Lord Althorp briefly hoped that they would go on with the Bill; and Major Beauclerk wound up the debate by asserting that workhouses could not hold all the men who were without maintenance. To these and other arguments the House paid little attention, and resolved to go into committee by 135 to 11, a substantial majority of 124.

On going into committee, Lord Althorp announced that he proposed to make concession on four particulars. (1) The central board was indeed to have the immunity of judges; at the same time they would still be liable to criminal prosecution. (2) They were not to have the power of committing persons for contempt. (3) Their General Orders were to be laid on the table of the House. (4) They were to have power to extend the date at which the Act was to come into force, beyond 1st June 1835, in those parishes where they in their discretion deemed such a course to be advisable.

It is not necessary to follow the fortunes of the

Bill in its passage through the committee stage. On the 26th of May it was announced that several members of the cabinet had resigned on a question of the Irish policy of the Government. Mr. Stanley, Secretary to the Colonies; Sir James Graham, First Lord of the Admiralty; the Duke of Richmond, Postmaster-General; and the Earl of Ripon, Privy Seal, were replaced in their several offices by Mr. Spring Rice, Lord Auckland, Marquis of Conyngham, without a seat in the cabinet, and the Earl of Carlisle. On the same day, 26th May 1834, on the motion that the Speaker do leave the chair, Mr. Poulett Scrope,[1] who appears to have been absent from his place in parliament on the second-reading debate, moved an instruction of a hostile character, and made a long speech (14 pages of Hansard), excusing himself on the ground that he had not hitherto had opportunity of giving his views on the measure.

It is worth while to put on record some of his phrases and arguments. Mr. Scrope was a respectable member of parliament, an amateur in political economy, and at first, as we have noted, a supporter of the Bill. His opposition was of a different character to the wild and irrelevant obstruction of men like Cobbett and Attwood. The following epitome of his speech may serve as a fair sample of the arguments by which the Bill was assailed in the House and in the press. The Poor Law, he said, was a noble, godlike institution, the great charter of the English poor, the security for the lives of the poor, and for the property and peace of the rich. If work and wages were secured to all who were in health and strength, then the case of the infirm might be neglected. The most important duty of the

[1] Mr. Poulett Scrope seems, in matters pertaining to Poor Law relief, to have been an "otherwise-minded" man. He published, in 1831, a letter on the urgent necessity of putting a stop to the illegal practice of making up wages out of rates, and his present and subsequent interventions seem rather incalculable.

Poor Law was the setting to work those who were unable to find work for themselves. Excellent but misguided persons would confine relief to the impotent, but the relief of the able-bodied was of infinitely greater importance. For, if he was not relieved, he would become impotent or prey on society, whereas the parish might get full value by setting him to work. He was opposed to the allowance system, but what, he asked, was to become of the surplus for whose labour there was no demand? The workhouse test for the able-bodied he denounced as a preposterous recommendation of a juvenile theorist.[1] The whole country was to be studded with workhouses or gaols, but before this could be done the poor would be starved or broken in rebellion. The proposal was most cruel, unjust, dangerous, and unwise. The people were driven into laxer parishes, as at Uley, where Mr. Cowell, the Assistant Commissioner, showed that poor people had been driven to emigrate to Canada and other parts of England, and had obtained employment there. In their zeal to check imposition by the undeserving, he saw all security removed for the relief of the deserving pauper. The pauper might as well seek remedy from the Great Mogul as from the Commissioners. He was deprived also of his right to appeal to the magistrates from the flinty-hearted bargain-driving farmers. The authority of the justices to order relief was an institution of three centuries standing. The right of the poor man to be relieved by his parish was taken away by this Bill. He would protest against the imprisonment of those who could not find work. The right of the poor to relief was the corner-stone of social order. If it was removed a termination would come to the prosperity and greatness of England.

Two comments on this speech may not be out of place. The argument that, if the able-bodied find work,

[1] The allusion is probably to Mr. Chadwick (see also p. 129).

the case of the impotent is comparatively simple, is perfectly just, though Mr. Scrope's application of it is altogether fallacious. That the able-bodied period of life must be responsible for the period that is not able-bodied is an incontrovertible proposition. But the first step, at that date the only practicable step, in re-creating the personal responsibility of the labourer was to hold him responsible for the able-bodied period of his own life. As a concession to the timid, the Bill and the recommendations of the Commissioners expressly state that they do not propose, at present at all events, to extend his responsibility. Mr. Scrope was certainly right in arguing that an extension of the prohibition of out-door relief to the impotent would be a simple matter. This indeed is the fact, as the experience of the pioneer unions like Whitechapel and Bradfield has, in the present generation, abundantly proved; but unfortunately the admissions of Mr. Scrope have not bound those who have succeeded him in opposition to a reform of the Poor Law. His fears have been proved to be groundless. The able-bodied man has been deprived of his right of relief, except in the workhouse or under similar stringent conditions. The putting of the able-bodied to work, as advocated by Mr. Scrope, has not been thought necessary, and the able-bodied has attained a degree of independence which he never had before. If, therefore, we could hold the successors of Mr. Scrope to his admissions, that with an independent able-bodied population the relief of the impotent may safely be left to them, we might claim assent to a proposal to abolish all out-door relief whatsoever.

There is a second point on which a word of comment is necessary. Mr. Scrope found no words strong enough to characterise the policy of erecting workhouses for the relief or, as he termed it, imprisonment of those who could not find work at their own door.

At the same time he can find no terms adequate to express his admiration of a system which confines a man to his parish, which assumes that there must be sufficient work for everyone at the spot where he happens to be. This crude acceptance of a basis of society derived from an antiquated feudalism involved, of course, a far greater imprisonment for the labourer than the contemplated reform of the Poor Law. As the event proved, the alleged surplus population was a mere figment of the imagination. Though the parish could not find a man work at his own door without imposing an intolerable burden on the community, the operation of the free market was able to distribute the apparent surplus into an infinite variety of profitable employments, as indeed the very terms of Mr. Scrope's complaint with regard to Uley are sufficient to illustrate and to prove.

The Bill reached a third reading on the 1st July, and passed by a majority of 187 to 50, with comparatively few alterations.

On Wednesday, 2nd July, the Bill was brought up from the Commons. Lord Grey moved that it be read a first time, and announced his intention of moving the second reading on the following Monday, the 7th July. The Earl of Malmesbury thought the Bill ought to have been in three portions. The session was now late. There had been 76 days of discussion in the Commons, and if the subject was adequately debated in their lordships' House, it would be impossible to pass the Bill in the present session. Lord Grey declared that delay was impossible. He was supported by the Marquis of Salisbury on behalf of the opposition. The Lord Chancellor made a characteristic speech, in which he declared that the chief point of the Bill was whether their lordships were to retain their properties or not. If it did not pass, the property of this country would shortly change hands. He protested against delay.

The Bishop of London, as chairman of the Royal Commission of Inquiry, was of the same opinion. The Bill was read a first time, and Tuesday, the 8th, was fixed for the second reading.

On the forenoon of that day Mr. Senior and Mr. Chadwick had an interview with Lord Salisbury, who appeared to act on behalf of the opposition. A minute was drawn up with regard to amendments to be proposed by Lord Salisbury. The amendments were for the most part of a friendly character. Copies of the minute were taken to the Duke of Wellington and to Lord Grey, but by 4 o'clock, the hour at which the minute reached him, Lord Grey had determined on resignation. He undertook, however, to introduce this Bill on Friday, the 11th.

On this date an informal debate took place as to the intentions of the ministry with regard to the Bill. Lord Grey said he was willing to take charge of the Bill rather than that it should be abandoned. The Duke of Wellington was against indefinite postponement, but hoped that the names of the proposed Commissioners should be included in the Bill. Lord Grey admitted the difficulty in which the House was placed by reason of the fact that no responsible minister was present. The question of naming the Commissioners had been considered, but ministers had decided that to invite discussion on the personal merits of the gentlemen proposed would be an invidious and undignified proceeding.

The date of the second reading was again postponed till Friday, 18th. A new ministry, with Lord Melbourne as Prime Minister, had by this time been formed, and on Wednesday, 16th, Lord Brougham, the Lord Chancellor, announced that on Monday, 21st, he would move the second reading of the Bill. On Friday he sent to Mr. Senior to ask for a short statement on the most important points of the Bill. Mr. Senior drew up an

elaborate abstract covering the whole ground of the Bill. It is necessary to quote the conclusion only. Amendment of the present state of affairs is necessary; but amendment by the express and strict provisions of an Act of Parliament is a remedy which the constitution of the patient cannot endure. It follows that amendment by the introduction of a new authority is necessary.

Monday, the 21st July, was "launched rather inauspiciously" for the fate of the new measure. Such at least was Mr. Senior's first thought. Lord Brougham sent for him at 4 o'clock and read to him the notes of the speech which he proposed to deliver that day. He took the line of denouncing the principle of all Poor Laws. Mr. Senior did his best to induce the Chancellor to modify his argument, urging that the Bill was not one for the abolition of the law, and that public opinion accepted and approved the principle of a Poor Law. Lord Brougham denied this. Mr. Senior afterwards learned that the Chancellor had been over the same ground with his colleagues Lords Melbourne and Althorp, and that they had "prayed him for God's sake not to hold such language." Lord Brougham had, however, made up his mind, and delivered his speech on the lines which recommended themselves to his own judgment. Mr. Senior, who listened with some trepidation, remarks that "as a philosophical disquisition it was admirable." His statement of the evils of the existing system made a great impression, and with the audience to which it was delivered, the fact that his argument proved too much did not detract from the value of his advocacy. Out of doors some clamour was raised against Lord Brougham, but on the whole, Mr. Senior sums it up, the views put forward "were founded on truth," and so probably no harm was done.

Lord Salisbury, on behalf of the opposition, and at

Mr. Senior's suggestion, proposed to strengthen the Bill by making the term of the Commissioners' tenure of office ten instead of five years. Most unfortunately, as the result proved, Lord Brougham, for some reason, felt himself unable to accept this amendment.

The debate, on the second reading, was the occasion of more than one remarkable speech. Lord Wynford took the lead in opposition, and repeated the arguments which had already so often been heard. Old Lord Eldon "was understood" to say that nothing in the world would induce him to vote for the Bill. Lord Alvanley denounced it as an introduction of the French system of centralisation, and was of opinion that a publication of the successful experiments at Bingham and Southwell would be sufficient to bring about a better administration of the law. The Earl of Radnor answered that reformers like Mr. Lowe and Mr. Nicholls were not to be found in every parish. The event of the evening, however, which sealed the fate of the Bill, was a short and characteristic statement by the Duke of Wellington of his reasons for giving it his support. There was, he thought, ample time for a due and regular consideration of the measure; it was the duty of their lordships to give the subject their attention; the evils of the present system were admitted, and, in his judgment, none of the methods hitherto proposed for its amendment at all equalled the present proposal. He was against a fixed day for the abolition of out-door relief to the able-bodied, and was content to leave the precise date to be fixed by the Commissioners. He took the opportunity of observing that he did not concur with the noble lord on the woolsack in his disapproval of the principle of the 43 Elizabeth.

Lord Melbourne (who, according to his biographer, Mr. W. M. Torrens, was somewhat lukewarm in support of the Bill, a statement which seems to represent Mr. Torrens's own feelings rather than those of the

Prime Minister) made on this occasion a useful contribution to the debate. He pointed out the absurdity of leaving the heavy assessments raised by the poor-rate entirely under local control, and contrasted those local burdens with the income-tax, which could only be raised by means of an Act of Parliament. The poor-rate was secretly and silently consuming away the property of the country. The Bill was read a second time by 76 to 13.

On the 24th, on presenting a petition in favour of the Bill, Lord Brougham took the occasion to reply to some out-door criticisms, and, in the course of his remarks, made an admirable statement on the use and abuse of charitable funds. These are useful, he said, in proportion as they are limited to contingencies which cannot be calculated on. To provide by endowment for the everyday requirements of life is a policy most insidious and enervating to the character of a free people. It was then moved that the House go into committee, and in the course of the debate Lord Brougham remarked that it was folly to contend that this Bill was a Bill for the abolition of the Poor Law. That was impracticable, but his lordship seems to have been at little pains to conceal the fact that he wished it were practicable. The great Duke again supported the measure, and moved the insertion of a clause obliging the Commissioners to keep a record, and to publish once a year at least a report of their proceedings.

On Friday, 25th July, an incident occurred which showed how little the principle of the Bill was understood even by those who were responsible for its fate in the House of Lords. Lord Ellenborough proposed that magistrates should be empowered to order out-door relief to children under 3, and to all over 60 years of age. Lord Melbourne and Lord Lansdowne came to Mr. Senior, who happened to be in the House, and asked

him if there was any harm in the suggestion! Mr. Senior pointed out that this would legalise the worst form of allowance, and paralyse every effort towards independence. The part regarding children was rejected, but the proposal, in so far as it affected old age, seemed so specious that it was passed without a division.[1] This clause has remained practically inoperative. Occasionally magistrates have attempted to make use of this clause, but the difficulty of framing a valid form of order has proved in most cases insuperable.

On Sunday, 27th, Mr. Senior made it his first business to ascertain the extent of the mischief done by Lord Ellenborough's amendment. He referred to the "most accessible authority," Rickman's *Table of Mortality*. From this it appeared that 93,333 persons were buried in Essex between the years 1813–30. Out of 5643 adults (*i.e.* persons over 20), 2670 were over 60, 2212 over 65, and 1672 over 70. So that even if the higher age of 70 were fixed, at least a quarter of the adult population would be authorised to come on the rates by the aid of the magistrates. On Monday, Mr. Senior saw Lord Ellenborough before the meeting of the House, and discussed with him the bearings of his amendment. The Duke of Wellington, Lord Salisbury, Lord Chichester, and others were present at this interview. Lord Ellenborough expressed surprise at the large effect of his amendment. As far as his own parish was concerned, it would only affect four old women, who would inevitably be driven to the workhouse by the new guardians. Mr. Senior said that this would not be so; and that, in any event, such a case was one for private charity. This little exchange of opinion is a remarkable proof of the difficulty of foretelling the result of an Act of Parliament. As we all know now, there has been little disposition on the part of the new guardians to curtail out-relief to the

[1] See section 27 of the Act.

aged. The opportunity for magisterial interference has rarely occurred. The utmost profusion has flourished abundantly without its aid.

In the discussion on the Emigration clauses, the Duke of Wellington, with remarkable insight, gave it as his opinion that when the new measure came into operation there would be found to be no necessity for emigration.

The Bastardy clauses were the occasion of a conflict between the Bishops of Exeter and London. His lordship of Exeter (Philpotts) quoted the statements of the Commissioners with regard to the demoralising effects of the bastard allowance system. He declared that they were untrue, and recalled to their lordships' recollection the indignant denial which had been uttered when similar statements had been made by a French traveller, General Pillet,[1] a somewhat dangerous method of proving a negative. The bishop's speech was a very able statement of the obvious hardship of making the woman responsible for her bastard children, in the way proposed by the new law. The Bishop of London replied with an argumentative force which convinced and satisfied the House. On the third reading the Bishop of Exeter returned to the subject in a long and impassioned speech, but the House was not to be moved, and the Bill was ordered to be read a third time.

The Bill, as amended by the Lords, was put down for consideration in the Commons for Monday, 11th August. On Sunday, the 10th, Mr. Senior dined with Lord Althorp, to talk over the amendments. According to a note preserved among Mr. Senior's papers, there were 43 amendments, of which 21 were material. Lord Althorp's speech on the occasion gives an interesting summary of the most important changes.

The Bill, said Lord Althorp, had not, on the whole,

[1] *L'Angleterre vue à Londres.* "The most shameless compost of lies ever put together by malice and ill-temper." —*Spectator*, April 9, 1898.

suffered from the amendments introduced. An increased voting power had been given to larger ratepayers as well as to owners, and this amendment seemed to him a fair counterpoise. The clause introduced by Lord Ellenborough, giving magistrates authority to order relief to the aged and infirm, he did not like, but he hoped it would lead to no abuse. The date for introducing the new policy in each area was now left open to the discretion of the Commissioners. The right of the parish to sue the putative father of a bastard child which had become chargeable was not at first in the Bill; it had been included on the motion of the member for Somersetshire. This had been further amended in the Lords. He concluded by moving that all the Lords' amendments should be accepted. Cobbett seized this last opportunity for making an attack on Lord Brougham, whom he called the putative father of the Bill. According to the noble lord, this was a Bill to abolish the Poor Law, and to take away the right of the poor to relief. He (Cobbett) maintained that the poor had a right to relief,—they had been defrauded of their share of one-third of the tithe. Lord Althorp denied the accuracy of Cobbett's view of history, and said that it was absurd to dwell so persistently on a casual observation of the noble lord.

The Lords had removed a clause from the Bill authorising the visitation of the workhouse by dissenting clergy, on the ground that there was nothing in the Bill to prevent it, and that the proviso therefore was unnecessary. This clause was reinserted, and finally, after protest by Lord Brougham, stood part of the Bill.

On the 14th the Bill received the royal assent.

In a popular treatise on the Poor Law, such as this is designed to be, the minuter technicalities of the law must be omitted, and in the following analysis of the

Act an attempt is made to give the general effect of the reform introduced by the Poor Law Amendment Act, 4 & 5 William IV. cap. 76.

The earlier sections, 1–14, provide for the appointment of the Central Control, consisting of three Commissioners appointed by the Crown ; for their authority to appoint a Secretary[1] and Assistant Commissioners, and to remove the same ; for their exclusion from parliament ; and for limiting their tenure of office to 5 years.

By Section 15 the whole administration of relief is made subject to the direction and control of the Commissioners. They are authorised to issue rules, orders, and regulations for the management of the poor. They are not, however, to interfere in any individual case for the purpose of ordering relief.

Sections 16, 17, 18 provide that general rules shall not take effect for 40 days after their submission to the Secretary of State. Within that time they may be disallowed by an Order in Council. They are also to be laid before parliament. The distinction between general and other rules is not very clear, but a general rule was subsequently held to be a rule addressed to more than one union. In practice, during the first years of the Commission, little or no use was made of General Orders or Rules.

Section 19 is a religious-conscience clause.

By Section 20 no rule, order, or regulation of the Commissioners, " except orders made in answer to statements and reports hereinafter authorised to be made by overseers or guardians to the said Commissioners,"[2] shall be in force till after the expiration of

[1] Technically the Secretary was appointed by the Commissioners. As a matter of fact, the choice of Mr. Chadwick as first Secretary was determined by the Government, and the Commissioners merely ratified the choice.

[2] This exception refers to Section 52, which authorises the issue of peremptory orders in certain cases.

14 days following its delivery to the overseers or guardians.

By Sections 21 and 22 the *administration* of the law in parishes under Gilbert's Act and local Acts is made subject to the Commissioners. The Commissioners, however, had no power to dissolve these incorporations or to alter their constitution.

The workhouse-building powers of the Commission are contained in Sections 23, 24, 25, and are as follows. With the consent of a majority of guardians of any union, or with the consent of a majority of the ratepayers and owners of property of any parish, the Commissioners may order a workhouse to be built or enlarged, according to a plan to be approved by them. The money required for this purpose must be raised by rate or by loan; but the sum so raised or borrowed is not to exceed the average annual amount of rates for the last three years. Without such consent the Commissioners can order repairs and alterations to the extent of £50, or one-tenth of the average rate for three years past.

By Section 26 the Commissioners may form parishes into unions as they think fit; but each parish shall pay for the relief of its own poor.

By Section 27 two justices may order relief out of the workhouse, provided one of them can certify of his own knowledge that the poor person, from old age or infirmity, is wholly unable to work. This clause seems to have remained a dead letter.

By Sections 28, 29, 30 the union expenses are to be assessed, by the Commissioners, on the united parishes, proportionately to the average poor-rate expenditure in each for the three last years. The parliamentary returns are to be conclusive evidence of such average.

By Section 31 the earlier prohibitions, contained in Gilbert's Act, etc., of the union of parishes distant

more than 10 miles from the common workhouse, are repealed.

By Section 32, with consent of two-thirds of guardians, Commissioners can dissolve, take from, and add to any union.

Sections 33, 34, 35, 36, 37 permit, subject to approval of Commissioners, the union of parishes for settlement and rating,[1] as well as for administrative purposes.

Sections 38, 39, 40, 41 govern the election of guardians. Justices are *ex-officio* guardians. The Commissioners may (provided the limit does not exceed £40 annual rental) fix the property qualification for guardians. The larger owners and occupiers are to have additional votes in proportion to their rating. Votes are to be taken in writing and collected. The powers of the Commission in the matter of directing elections are applicable to Gilbert and Local Act parishes.

By Sections 42–45 Commissioners are authorised to make rules for the government of workhouses; and by Sections 46–48 to direct the appointment of the various union officers. The paid officers are to hold their appointments subject to the orders of the Commissioners, and are removable by them.

Sections 49–51 order that supplies are to be purchased by contract, in conformity with directions of the Commissioners.

Section 52 recites the evils of relief as at present administered to the able-bodied and their families, and also the difficulty of altering established practice suddenly; it then empowers the Commissioners to regulate the relief given to the able-bodied and their families out of the workhouse. In the last resort, after objection has been duly heard, the Commissioners have

[1] In 1865 it was stated that only the union of Docking in the Eastern Counties had taken advantage of these clauses.

power to issue peremptory orders. After this all relief given in contravention of the orders is illegal, except in cases of urgency, which must, moreover, be reported to and approved by the Commissioners.

Sections 53 and 54 repeal the power of the magistrates to grant relief. No relief in future is to be given except by the order of the board of guardians. The overseers, however, are still required to relieve in cases of sudden and urgent necessity, and the magistrates may order the overseer to relieve in such cases.

By Section 55 masters of workhouses and overseers are to keep registers.

By Sections 56 and 57 it is enacted that all relief given to a wife, or child under 16, not being blind or deaf and dumb, shall be relief to the husband or father. The father is made liable for his stepchildren.

Sections 58 and 59 provide that such relief, as the Commissioners may direct, is to be considered a loan.

Section 60 repeals the Act which required relief to be given to families of militiamen.

By Section 61 justices are charged to see that the orders of Commissioners with regard to apprenticeship are observed.

Section 62 authorises owners and occupiers, entitled to vote in any parish, to rate the parish for emigration.

By Section 63 the overseers may apply to the Exchequer Bill Commissioners for a loan for the purposes of the Act.

Sections 64–68 abolish settlement by hiring and service, and by residence under the same, or by serving an office. No settlement which was incomplete at the passing of the Act to be valid. No settlement is to be acquired by sea service, or by estate unless such owner reside within 10 miles thereof.

Sections 67–71 repeal Acts relating to the liability and punishment of the putative father of a bastard, and to the punishment of the mother. They also

render null securities and bonds of indemnity given to the parish for bastards. The mother of an illegitimate child is declared to be liable for its support.

By Sections 72–76, on application of overseers the Court of Quarter-Sessions may make an order on the father of a bastard for maintenance. Testimony corroborative of the mother's evidence must be produced. No part of the money may be applied to the support of the mother. The wages of the father refusing to pay may be attached.

Section 77 enacts that no person concerned in the administration of the Poor Law may be a contractor, or receive profit in respect of supplies, etc.

By Section 78, sums payable by relations under 43 Elizabeth, cap 2, are recoverable under this Act.

Sections 79–84 deal with removal. No removal is legal till 21 days after notice has been sent to the parish to which order of removal is directed, accompanied by copy of the examination on which such order is made. If appeal is made against the order, removal must wait decision of appeal. The grounds of appeal must be stated.

By Section 85, Commissioners have power to call for accounts of trust and charity estates belonging to the parish.

Sections 86, 87, 88 provide exemption from stamp duty for documents, etc., of the board.

All payments made contrary to the provisions of the Act are, by Sections 89 and 90, declared illegal, and justices are called on to disallow the same.

Sections 91–94 prohibit introduction of spirituous liquors into workhouses, and contain penalties for infringement.

Sections 95–97 deal with the penalties to which officers disobeying the orders of the guardians render themselves liable. Illegal orders made by the guardians are not to be obeyed.

Section 98 prescribes penalties for disobedience to orders of the Commission.

Sections 99–104 deal with the recovery of penalties, appeals, etc.

Sections 105–108 provide that rules, orders, and regulations may be removed by writ of certiorari into the King's Bench at Westminster, but are to continue in force till declared illegal. Ten days' notice must be given to Commissioners.

The successful passage of this necessary but unfortunately all too limited measure of reform is one of the most remarkable incidents in our constitutional history. There is no other instance in the history of democracy, in which a government has dared to benefit the people by depriving them of a right to participate in a public fund, where also the Opposition, as a party, has refrained from making capital out of the obvious difficulties of the situation. It may be added, that the experiment then succeeded, because legislation in detail was taken out of the hands of parliament, and put in the hands of a non-elective body. An ill-administered Poor Law has been and still is a terrible scourge, but the difficulty of amendment is almost insuperable. Appeal has continually to be made to the class which seems, on a short-sighted view, to derive profit from a lavish system. If the reform of 1834 had depended on the choice of the able-bodied labourer, who then, unfortunately, was as a rule a pauper, that measure, which at the moment saved England from moral and financial ruin, would never have been passed. In view of the forces which fought against a reform of the law, it will appear to the candid reader almost miraculous that the Commissioners were able to carry out the very limited reforms which were then inaugurated.

At this point, and before going on to comment on

the changes brought about by the new law, it may be in place to emphasise the fact that no new principle was introduced into the law. The Act, Lord Brougham notwithstanding, purports to be a return to the wisdom of Queen Elizabeth. The term "right to relief," which is supposed to be the essence of the English Poor Law system, has been criticised as an inaccurate phrase, for it is said, a right is enforceable by some process of law, and the would-be pauper whose claim is rejected has no such remedy. Theoretically the point is not without its importance, but at the same time there can be no doubt that practically the right of the pauper to relief is acknowledged.

In this respect the new law made no change; its policy was, however, to prescribe, in more or less peremptory fashion, with the assistance of a central board, the precise method in which relief to the able-bodied should be offered. The Act of Elizabeth, it was pointed out with much iteration, had not contemplated the relief of the *industrious poor*. The new Act did not return to that strict interpretation. In the Elizabethan legislation the industrious or wage-earning poor person was not mentioned, and implicitly he was held to be equal to the discharge of his own responsibilities. The new law, by means of the policy to be introduced through Clause 52, limited the relief of those who are potentially wage-earners to relief in the workhouse. This is an extension of the Act of Elizabeth as strictly interpreted. The industrious or wage-earning poor of the earlier legislation are now included in the larger and more definite term, the able-bodied poor; and for the period while they are able-bodied, they are held to be responsible for the maintenance of themselves and their families. In view of their failure, the relief to be offered to them is the workhouse.

Subsequent controversy has accepted the substitution of the workhouse test for the entire neglect of

the wage-earning class, which is alleged to be characteristic of the Elizabethan statute. Those who are most hostile to the principle of a profuse Poor Law have rarely, if ever, sought to go back to that strict interpretation of the Act of Elizabeth, which would exclude the able-bodied wage-earner altogether. The Scots Poor Law passed in 1845, in imitation of the English system, makes, it is true, no provision for the able-bodied, but public opinion generally has been content to retain the workhouse test for the able-bodied, who by accepting it, of course, cease to be wage-earners. The setting to work of the unemployed as distinct from the industrious poor person was an obligation enjoined by the statute of Elizabeth. The old law neglected this obligation because it was impossible to fulfil it; the new law, as interpreted by the Commissioners, decreed that it could only be discharged by offer of relief in a workhouse, or in return for a task of work performed, *i.e.* by task work, not work for wages.

The Act of 1834 may be popularly described as defining the responsible period of life as the able-bodied period. While a man is able-bodied, he and his are not to be relieved except in the workhouse. The question raised by those who regard this reform as inadequate may be stated as follows. Why, they ask, should a man be held responsible for the period of his able-bodied life only? Modern civilisation depends on the fact that the able-bodied period of life is adequate for the support of the dependent periods. All that Poor Law legislation can do is to disturb the natural and equitable incidence of the burden. Instead of respecting and upholding the law of personal and individual responsibility as an ideal to be steadfastly kept in view, the present administration of the law, or indeed we might add the present temper of the times, divides life into three periods—(1) Childhood, (2) manhood, and (3) old age; and

recognising the economic disabilities of women, it is inclined to add women either to the first or third category. The labourer, according to this view, should support himself during his manhood or able-bodied period of life, but there his responsibility ends. For his times of sickness, for his childhood, for his old age, for his orphans, and for his widow, the public is responsible, and by the normal administration of the law this state of things is fostered and perpetuated. The administrative success of the Act of 1834 consists in the fact that the offer of the workhouse served quite as well as an absolute refusal of relief. It obliged the able-bodied to assume responsibility for the able-bodied period of life, and, as we shall presently see, it is now argued that an application of the same principle to the other responsibilities of life would produce equally advantageous results.

The assumption that responsibility for his able-bodied period of life was beyond the powers of the labourer has now been universally condemned as one of the most fatal errors on which legislation was ever based. But, it is asked, was that assumption more unwarranted, more fatal to the progress of an honourably interdependent community, than the very narrow definition which limits the responsibility of the individual to the period of his able-bodied life only, and leaves the other risks of life to be met by a Poor Law allowance?

This is the point on which all subsequent Poor Law controversy seems to turn.

Is economic society, with its mechanism of property, exchange, and the natural affection bred in the family and in the intercourse of daily life, an adequate organisation? It is admittedly an organisation in process of formation. Is its progress not retarded by the Poor Law? Obviously, as we shall endeavour to narrate, the healthful absorption of the population into the forms prescribed by the necessities of an industrial

society was hindered by the old law. This has been remedied by the administrative reform which we are now considering. The labourer, for the period of his working life, is emancipated from pauperism. Is this all that civilisation can give? Our history will show indubitably that it is not all. We cannot, alas! write of the Poor Law as of a thing of the past. We maintain, however, that the Poor Law cannot be understood unless it is regarded as an anachronism, and cannot be reformed except by carefully considered action, all tending to its ultimate and complete abolition.

It remains only to chronicle the appointment of the three Commissioners. Among Mr. Senior's[1] papers is a copy of a letter addressed by him to "My Lord" (either Lord Melbourne or Lord Brougham), in reply to a request for his advice. He suggests the following names:—Mr. Chadwick, Mr. James Stephen, Sir Thomas Frankland Lewis, Mr. Nicholls, Rev. Thomas Whately.

"Chadwick," he remarks, "is the only individual among the candidates, perhaps I may say in the country, who could enter into the office of Commissioner with complete pre-arranged plans of action. He was the principal framer of the remedial measures in the report, and was the sole author of one of the most important and difficult portions, the union of parishes." Further, he knows where to find suitable subordinate officers; and generally, in Mr. Senior's opinion, the services of Mr. Chadwick were essential. Stephen and Frankland Lewis were men of official experience, while Nicholls and Whately had practical knowledge of improved Poor Law administration.

Mr. Chadwick was offered the appointment of secretary to the Commission,[2] and was much dissatisfied

[1] A seat on the Commission was offered to and declined by Mr. Nassau Senior.

[2] Sir T. Frankland Lewis, in giving evidence in the Andover Inquiry, said that though nominally the Commissioners appointed their secretary,

with what he deemed an inadequate recognition of his services. His friends endeavoured to persuade him that the office of secretary was of equal, if not superior, importance to that of Commissioner. The salary of a Commissioner was, however, £2000 per annum, while that of the secretary was only a little more than half that amount, and it is certain that Mr. Chadwick entered on his duties feeling that he had a grievance. The Commissioners appointed were Sir T. Frankland Lewis, Mr. John George Shaw-Lefevre, and Mr. Nicholls. The qualifications of Sir T. F. Lewis and of Mr. Nicholls have already been mentioned. Mr Shaw-Lefevre does not seem to have had any special experience of the subject, but he was considered an able man of business, a reputation confirmed by his subsequent appointment as clerk of the House of Commons.

Mr. Senior's eulogy of Mr. Chadwick's practical ability was in many ways well deserved. We shall probably not be wrong in attributing to this disciple of Bentham a large share of responsibility for the elaborate and detailed orders which were so promptly issued by the new board. Many, if not all, of these regulations proved in subsequent experience to require modification, and it has been represented that the Commission was occasionally a little embarrassed by the facility displayed by its secretary for pre-arranging plans of action. The occasion was one where no gradually developed code of rules was available, and where an *à priori* body of regulations had to be manufactured. The difficulties of such procedure is notorious, and if the matter is regarded dispassionately, the early regulations issued by the Commissioners seem to have been quite as successful as in the circumstances could be reasonably expected.

the choice of Mr. Chadwick was really dictated to them by the Government.—Q. 22,310.

CHAPTER VII

THE CARRYING OUT OF THE ACT

The First Annual Report—The work of the Central Office—The process of forming a union—The various circulars issued.

The Poor Law Amendment Act received the royal assent on the 14th August 1834, and on the 23rd of the same month the Commissioners were sworn into office. Information as to the steps by which they proceeded to carry out their duties is very amply supplied by the remarkable series of annual reports which for 14 years issued from their office. The 5th section of the Act, inserted at the instance of the Duke of Wellington, required the Commissioners to submit annually to one of His Majesty's Principal Secretaries of State a General Report of their Proceedings, in order that it might be laid before both Houses of Parliament. The First Annual Report, bearing place and date, Poor Law Commission Office, Somerset House, 8th August 1835, is addressed to the Right Honourable Lord John Russell, His Majesty's Principal Secretary of State for the Home Department. It is the first of a series of fourteen which carry us down to the year ended, Lady Day, 1847, when "the constitution of this Commission was on the point of being changed," by the establishment of the Poor Law Board.

The First Annual Report is signed by T. Frankland Lewis, John George Shaw-Lefevre, and George Nicholls. On the day of entering office, the Commissioners found themselves beset with applications for

assistance. The evils of the old law, in some quarters at all events, seem to have reduced men to a condition of helpless despair. Vague and exaggerated ideas were prevalent as to the scope of the new Act, and many local authorities seem to have thought, and to have hoped, that their responsibilities and duties were at an end. The first act of the new Commission was, by all the means in their power, by verbal explanations, by direct communications, and by a circular address, to impress on the parish officers generally, that the Legislature had not exonerated them from the performance of their duties, and that, subject to the provisions of the new Act, they must continue (with strict attention to economy) in the accustomed course, until the Commissioners should be enabled to issue specific directions for the better administration of the law.

The principal misconception arose with regard to those parishes where there already existed select vestries or boards of guardians.[1] Here, by the provisions of Section 54, it was made unlawful for the overseer to grant relief (except in cases of sudden and urgent necessity, and then only in kind) without the order of the vestry or board. These authorities had been in the habit of meeting infrequently and irregularly. The duty of relieving had therefore been left entirely in the hands of the overseers, who by the new Act were incapacitated from acting. The Commissioners solved this difficulty by urging that steps must be taken, by establishing a rota of the members of the vestry or board, or otherwise, to secure a more regular attendance, and adhere to the prohibition imposed on the overseers.

[1] Sir B. W. Richardson's suggestion, in his *Health of Nations*, that the term guardian was invented by Mr. Chadwick, and introduced by him into the new measures, is of course entirely erroneous. This book is practically a biography of Mr. Chadwick, and was largely dictated by him.

A circular letter, dated 4th September 1834, embodying these views, and transmitting a copy of the new Act, was sent to the churchwardens and overseers and other officers charged with the relief of the poor in every parish or place separately maintaining its own poor in England and Wales. The authorities so addressed were enjoined to continue to administer the existing laws for the relief of the poor, subject to the provisions of the new Act (with strict attention to economy, and as far as the same is authorised by law), till the rules of the Commissioners had been prepared and promulgated. A paragraph drew attention to the enactment with relation to contracts for supplies of goods for the use of the poor, and suggested that "for the avoidance of future inconvenience and pecuniary loss, to which you (*i.e.* the local authority) might otherwise become liable," a clause should be inserted in all future contracts rendering such contract liable to alteration and amendment in the event of such a course being rendered necessary by any regulation of the Poor Law Commissioners. The paid officers also, it was pointed out, must consider themselves liable to be placed under such rules and regulations as the Commissioners may see fit.

On the 4th September a circular was issued asking for information and statistics on a variety of specified points. The necessity of fuller information is made obvious by the statement that the late Commissioners of Inquiry were not able to investigate the circumstances of more than about 3000 out of 15,635 parishes or places separately relieving their own paupers.

On the 6th October a circular was addressed to the magistrates, correcting various erroneous opinions as to the effect of the new Act on the jurisdiction and responsibilities of magistrates. The statutes of William and Mary, cap. 11, and 9 George I. cap. 7, it was pointed out, had not been repealed, but were still

operative in places where there was no board of guardians, select vestry, or similar body constituted under a local or general Act. In places where the overseers were still the responsible authority it was the duty of the magistrates to supervise and check their work as provided in the above-cited statutes.

But though the magistrates were reminded that their duties and responsibilities were not at an end, the Commissioners were careful to point out how the Act of William and Mary was hedged in and limited by the Act of George the First, and also how the more general powers possessed by the magistrates under 36 George III. cap. 23, 55 George III. cap. 137, sec. 3, and 59 George III. cap. 12, sec. 5, had been altogether repealed by the Poor Law Amendment Act.

Thus in parishes where there was no vestry or board of guardians, the parish officers were under obligation to carry on their work as before until the Commissioners promulgated their rules. For the information of parishes, on the other hand, where there existed a select vestry or similar body, the circular further set out *in extenso* the 54th section of the new Act, which, as already related, prohibits the distribution of relief by overseers without the order of these bodies.

These views, inculcated by circular and by widely extended correspondence from the central office, were further enforced by the Assistant Commissioners and by their personal attendance and advice in the various parts of their districts. In this manner a respite was obtained from the more pressing importunities of the local authorities, and, on 8th November 1834, a circular of more definite character was issued, addressed to the overseers of the poor, and "sent to the parish officers in some counties."

The Commissioners, it stated, heard that misapprehensions still existed. The overseers were therefore

informed that they were still responsible for the due relief of the poor. They must continue as before, "bearing in mind always the necessity of vigilance and strict economy." The Act was passed not to abolish necessary relief, but to prevent abuses. The Commissioners proposed gradually to introduce proper regulations for preventing those practices which, although highly objectionable, could not altogether and immediately be stopped. In the meantime the Commissioners, relying on the reports of successful administration in certain localities, made the following suggestions :—

"1. With regard to able-bodied paupers who are unable to procure employment, you should if possible set them to work ; and in all cases where circumstances permit its adoption, task work shall be preferred.

"2. The allowance to be given to the pauper in return for pauper work, whether the same be day work or task work, should be considerably less than the ordinary wages paid for similar work to an independent labourer.

"3. If it be found impracticable to set the able-bodied paupers to work, one-half at least of the relief given to them should be in food, or in the other necessaries of life ; and if this rule be applicable to your parish, the Commissioners recommend you to consider whether arrangements cannot be made for carrying it into effect without delay.

"4. If it is the practice in your parish to make an allowance to labourers in respect of the number of their children, you should not suddenly or altogether discontinue these allowances, but you should make them in kind rather than in money.

"5. With respect to the paupers (if any) belonging to your parish, but resident elsewhere, who have been accustomed to receive from your parish weekly or other payments, such payments, especially as regards

aged and infirm persons, should not be hastily withdrawn; but the list of cases of this nature should be carefully revised with the view to detect frauds and impositions.

"6. If your parish possess a workhouse, which is already in such a state as to admit of able-bodied paupers being lodged, maintained, and set to work therein, you may make the offer of relief within the house to any such pauper who shall apply for parochial aid; and such offer will exonerate you from the necessity of offering other relief."

These recommendations, however, were for information and assistance only, and were not to be mistaken for rules and orders issued by the Commissioners under the authority of the new Act.

We may now with advantage give some account of the appointment of the Assistant Commissioners, who played such an important part in bringing the new law into operation throughout the country.

The Act permitted the three Commissioners to appoint, in the first instance, nine Assistant Commissioners, on their own authority. It was not, however, till the 1st December that this appointment was formally complete. The qualifications for which the Assistant Commissioners were chosen were, it was stated, sound practical knowledge and experience of the subject-matter, or the possession of acknowledged talent and general aptitude for the despatch of public business. Subsequently, as the labour of the office grew, the Treasury sanctioned the appointment of additional Assistant Commissioners. At the date of their first report the number was 15.

The Commissioners determined to deal first with those districts "in which vicious modes of administration had become the most deeply rooted, and where the pauperised classes were the most demoralised and the

burdens of the ratepayers were the heaviest." They found, however, that the average rate of the pecuniary burden per head of population formed the best index of the extent of the evil in each locality; and, as a general rule, they gave priority to the claims of the most heavily burdened districts. Certain deviations from this rule were rendered necessary by the occurrence of particular exigencies. A special appeal made from a portion of Berkshire, a commotion raised in anticipation of the new law in West Sussex, a forcible appeal from the pauper labourers of Bledlow, afterwards incorporated in the union of Wycombe, threats of incendiarism at Calne in Wiltshire, the necessity of protecting an aged pauper to whose case the attention of the Commissioners was called by Colonel Napier and other gentlemen, the appeal of a large body of ratepayers for the assistance of the Commissioners in restoring peace and good management in a metropolitan parish,—are cited by the Commissioners as occasions on which their immediate intervention was specially called for and accorded.

The Assistant Commissioners, as a preparation for their duties, were put in possession of the views of the central authority, the general information contained in the reports of the late Commissioners of Inquiry, and such local information as the central office had obtained with regard to their several districts. Thus armed, they proceeded to examine each parish—(1) With regard to the pressure of existing evils; (2) the means within each parish of remedying such evils; (3) the remedies available by means of union with other parishes. When this examination was complete, the Assistant Commissioners prepared a written report containing recommendations, together with the evidence by which each was supported. When the formation of a union was recommended a tabular statement had also to be drawn up. As a specimen of the above-described pro-

cedure the Commissioners publish, in the appendix to their report, a letter, dated 4th July 1835, from Mr Wm. Henry Toovey Hawley, Assistant Commissioner, with regard to a proposed union of parishes, having Rye as a centre. They were 12 in number—Rye, Winchelsea, Brede, Udimore, Icklesham, Beckley, Northiam, Iden, Playden, Peasemarsh, East Guldeford, and Broomhill. The letter recites that these parishes are conveniently situated, from a geographical point of view, for incorporation;[1] that no legal objection existed; that the wishes of the ratepayers, both rural and urban, were universally favourable.

A short description follows of the methods of administration hitherto employed in each of the 12 parishes. The ratepayers of Rye had advocated the cause of the new Poor Law in a very spirited manner, and the Assistant Commissioner recommends that they should be given a somewhat large representation on the board of guardians about to be elected for the new union. Some improvement, in consequence of the authorities acting on the advice of the circular orders of the board, had taken place in Rye. Winchelsea, on the other hand, was a melancholy contrast to Rye, and here and elsewhere every form of abuse seems to have been rampant. A Tabular Form of Data, for the formation of a union, to be called the Rye Union, accompanied or immediately followed Mr. Hawley's report. The letter or report was dated 4th July 1835, and the Tabular Form was countersigned by the Commissioners with the order "Declare Union, 7th July."

The particulars given in the Tabular Statement were numerous and detailed. The area, the cultivation, population, assessment, poor-rate, number and

[1] It is not in this case expressly stated, but the general plan pursued was to make a market town the centre of a union, and to include in it the parishes which made use of that market.

classification of paupers, the number of workhouses and cottages belonging to the parish authority, the state of the buildings, their suitability for alteration, the number of guardians to be appointed, a list of the resident magistrates who would be *ex-officio* guardians, and of the paid officials in the Poor Law establishments of the various parishes now to be included in one union ; this and much other relevant information was set out in detail.

In a note at the foot it was stated that the proposed qualification for guardians was fixed at a rental or value of £25 per annum. A further note fixed the date of the declaration of the union for 7th July, and the 27th July as the day on which the union is to take effect. Notice was to be given of the election of guardians on 18th July. The day of election of guardians was fixed for 28th July, and the first meeting of the board of guardians at the workhouse in Rye for the 29th July.

It is worthy of notice that the whole transaction, from the report of the Assistant Commissioner to the first meeting of the elected board of guardians for the newly incorporated union, took place between the 4th and 29th of July. Mr. Hawley's appointment is dated the 5th November 1834, and during the period covered by the first report (*i.e.* up to the 8th of August 1835) he had been instrumental in declaring 11 unions, thereby uniting 132 parishes ; Colonel à Court, appointed 28th October, had in Hampshire declared 21 unions, incorporating 281 parishes. The 15 Assistant Commissioners, many of them not appointed till late in the winter of 1834 or in the spring of 1835, had, by the 8th August 1835, succeeded in declaring 111 unions by amalgamating 2311 parishes. The population thus affected amounted to 1,385,124, and the average poor-rate in the area affected was £1,221,543.

In noticing here the endorsement of these dates at the foot of the Tabular Statement, we have somewhat anticipated the order of procedure.

On the receipt of the Assistant Commissioner's recommendation and the Tabular Form of Data, the next step lay with the three Commissioners at the head office. In the great proportion of cases in these early months the measures proposed had already met with almost unanimous local approbation, and the Commissioners proclaimed the union of the parishes without further delay. Where dissent had been expressed, they made it a practice to hear the complaints of the malcontents. They found, however, that for the most part these complaints were either frivolous or based on corrupt and interested motives. At the date of the first report, they had not felt themselves called on to reverse the main recommendations of any of the Assistant Commissioners. The appendices to the report contain the form used for the declaration of a union and the election of a board of guardians. A copy of the orders and regulations to be issued on the declaration of the union is given in Appendix No. 6 of the first report. This document recites, that in virtue of their powers the Commissioners had on such and such a date incorporated the parishes named in a union, that the same Act required the Commissioners to prescribe the duties of guardians, and they accordingly direct and declare—(1) That on and after a specified date all the duties of Poor Law administration shall vest in the guardians of the union, subject to the powers of the Commissioners; (2) no guardian shall have power to act in his private capacity, except as a member and at a meeting of the board; (3) a quorum of guardians to be three; (4) regulates the appointment of chairman; (5–12) regulate meetings of the board of guardians; (13) deals with proceedings of the board; (14) provides for the appointment

of clerk, treasurer, and relieving officers. Sections 18, 19, 20 define the duties of the clerk, relieving officers, and churchwardens and overseers. Section 21 contains the first order with regard to relief that was issued by the Commissioners, and it may be of interest to transcribe it in full.

"Firstly, no relief shall be given in money (except in cases of sickness or accident) to any able-bodied male pauper who is in employment (the same not being parish work) and in receipt of earnings; nor to any part of his family who shall be dependent on him, or for whose relief and maintenance he shall be liable.

"Secondly, if any able-bodied male pauper shall apply to be set to work by the parish, one-half at least of the relief which may be afforded to him or to his family shall be in kind.

"Thirdly, one-half at least of the relief which may be afforded to widows or single women, not being aged or infirm, shall be in kind.

"Fourthly, no relief shall be given to any able-bodied male pauper by payment or payments of, for, or on account of the rent for his house or lodging, or for the house or lodging of any part of his family who shall be dependent upon him, and for whose relief and maintenance he shall be liable, or by allowance towards such rent.

"Fifthly, except in case of accident, sickness, or other urgent necessity, no relief shall be afforded from the poor-rates of any parish or place comprised in the said union to any pauper between the ages of 16 and 60, belonging to any such parish or place comprised in the said union, who shall not be resident therein: provided always that this regulation shall not extend to any person not being an able-bodied male pauper, between the ages of 16 and 60, who shall, on the day herein appointed for the first meeting of the guardians, be in the receipt of relief from any parish or place com-

prised in the said union, although not resident in such parish or place, and although such person shall continue a non-resident; but in every such case due inquiry shall be made as to the propriety of such relief being continued."

Section 25 provides that guardians giving relief to able-bodied male paupers between the ages of 21–60, or to their dependent families, may do so by way of loan, and may recover the loan under the provisions of the Poor Law Amendment Act. Section 26 directs that the purchases of stores, etc., shall, as far as circumstances allow, be made upon tenders, after public advertisement in one county newspaper at least. Sections 27 and 28 order the appointment by the guardians of an auditor, who is to audit quarterly. His remuneration is to be fixed by the guardians, subject to the approval of the Poor Law Commissioners. He is to continue in office till removed by the Commissioners, or by the guardians with the consent in writing of the Commissioners.

Before leaving this more technical part of the subject it is necessary to enumerate the other circular letters issued by the board during its first year of office. We shall have occasion later on to treat of the question of migration and emigration; here it is sufficient to notice a circular, dated the 2nd March 1835, sent out to certain manufacturers in Lancashire and other districts, stating the belief of the Commissioners, that there was a demand for the labour of whole families, comprehending children of the legal age and strength, for employment in the district in which they resided. The Commissioners were also aware that in the southern counties there was an insufficient demand for labour. They therefore tendered their good offices to put the manufacturers and the surplus population in communication.

A second circular, dated 10th May 1835, drew

attention to the enactment contained in the 62nd section of the Poor Law Amendment Act for promoting emigration. The powers, it should be noted, are to be exercised by the parish and not by the union.

A further important document is entitled "Orders and Regulations to be observed in the Workhouse of the —— Union." These represent, in a more matured and detailed form than in any document as yet issued, the new policy. The circular is divided into 38 sections, and deals in great minuteness with the administration of a workhouse.

Paupers may be admitted by the order of the board; by the provisional order, to be reported at the next meeting of the board, of an overseer, churchwarden, or relieving officer; and by the master of the workhouse, in case of sudden and urgent necessity. No order for the workhouse is to be held valid if it bear date more than six days before presentation. On admission the pauper is to enter the probationary ward until examined by the medical officer. If labouring under disease of body or mind, the pauper shall be placed either in the sick-ward or the ward for lunatics and idiots not dangerous. If able-bodied, the pauper shall be assigned to the proper part of the workhouse, according to the classification prescribed. The pauper is to be cleansed and clothed in workhouse dress, and the clothes worn by the pauper are to be purified and deposited in a safe place. The clothing of the paupers is to be determined by guardians, and as far as possible made by the paupers.

The classification is to be as follows:—

1. Aged or infirm men.
2. Able-bodied men and youths above 13.
3. Youths and boys above 7 years old and under 13.
4. Aged and infirm women.

5. Able-bodied women and girls above 16.
6. Girls above 7 years of age and under 16.
7. Children under 7 years of age.

Separate accommodation is to be provided for each class; but if the workhouse is not of sufficient capacity, paupers of the second and fifth class are to have the priority; next those of classes 3, 6, 7; and lastly, the aged and infirm of both sexes.

This order of priority is worth notice, as marking the difference between the workhouse system as enforced by the Commissioners and earlier experiments in that direction. In the earlier experiments the workhouse was thought specially suitable for the aged and infirm, and the able-bodied, it was thought, could be more profitably relieved by some form of out-door relief.

A separate appendix to the report contained a number of plans for workhouses drawn up by the professional advisers of the board, and in some instances by the Assistant Commissioners. In the centre of a large enclosure is the master's house, from which three and in some cases four wings run to an enclosure wall which surrounds the whole building. The enclosure is thus divided into three or four yards, and in some cases these yards are again subdivided. This, it is worth noticing, is the principle of Bentham's Panopticon.

The Commissioners also issued an elaborate "Order for the Keeping, Examining, and Auditing of the Accounts of the above Union, and of the several Parishes of which it is Composed," with 25 forms to be used for that purpose covering the whole field of parish and union administration. Altogether an extremely elaborate and comprehensive system of bookkeeping was pressed on the adoption of the new unions. The order was followed by an instructional letter, dated September 1835.

The accounts are divided into four heads :—

(1) The parish accounts, to be kept by the overseers and churchwardens of each parish in the union.

(2) The union cash accounts, to be kept by the clerk and the board of guardians.

(3) The accounts of the workhouse, to be kept by the master of the workhouse.

(4) The accounts of out-door relief and out-paupers to be kept by the relieving officers.

The letter contained instructions printed separately for each of these four orders of officials. With regard to the large number of books prescribed, it is remarked apologetically: "It will be found . . . that the multiplication of the books is but a simplification of their contents, by reducing them to more simple classes." The Commissioners, it is stated, had made an arrangement with Mr. Charles Knight, the publisher, Ludgate Street, London, for supplying the necessary books at a considerably cheaper rate than the local authorities can procure.

The instructional letter is very clear and informing, and as far as a sound system of bookkeeping can be facilitated by written directions, it seems admirably well suited for its purpose. It should be remembered that the bookkeeping at this date was considerably complicated, by the fact that the parish was still chargeable for its own poor. Each parish had to be credited with the value of the task work done by its own paupers, and debited with the cost of their relief, and also, of course, with their share in the common charges of the union. This last was calculated and apportioned on the average expenditure in each parish for the last three years.

It has not been thought necessary here to insert a full and detailed account of these orders. The first issue of its decrees by the "subordinate jurisdiction" which really governs the administration of the Poor

Law is of much interest. The orders were largely modified in subsequent years, and occasional reference to this will be made in the following pages; a minute analysis of the changes, though appropriate in a manual of Poor Law procedure, can only be generally referred to in this volume.

CHAPTER VIII

THE WORK OF THE ASSISTANT COMMISSIONERS

A list of the Assistant Commissioners—Sir F. B. Head in Kent—Mr. Mott in the Eastern Counties and in Middlesex—Pauper marriages—Mr. Edward Gulson in Oxfordshire and Berkshire—Mr. Hall in Berkshire—Mr. Power in Cambridgeshire.

THE foregoing is an outline of the work done at the central office during the first year of the Commissioners' reign. The atmosphere surrounding their work is essentially modern. They are clearly engaged in trying to apply the principles of modern economic science to a very complicated problem. The difficulties which they had to encounter can be best understood by following in some slight detail the work of the Assistant Commissioners, the executive officers of the new subordinate jurisdiction. Leaving, then, at Somerset House, the representatives of the Whig and Radical theorists who were responsible for the passing of the law, we shall seem, when we accompany the Assistant Commissioners into the rural parts, to plunge back into the darkness of the Middle Ages. Such indeed is the fact. The old law did not cease and determine with the passing of the Amendment Act. Even to the present day its influence remains. The Assistant Commissioners began the work of removing the old system of relief, but the mediævalism which they were appointed to eradicate is by no means altogether removed from our midst.

The following list of Assistant Commissioners will not be without interest in view of the detailed account of their work which follows.

To this the following tabular statement will form a fit preface :—

Number of the Unions formed, with the agency of each Assistant Commissioner; the Number of the Parishes united; and the Average Amount of the Poor-rates.[1]

Name of Commissioner, and date of appointment.	Up to 8th of August 1835.					
	County.	Number of Unions declared.		Number of Parishes united.	Population.	Total Amount of average Rates included.
						£
Colonel À Court 28th Oct. 1834[2]	Hants	21	21	270	181,865	146,541
	Wilts	...		10	281	
	Berks	...		1		
Sir F. B. Head 28th Oct. 1834 Resigned, 27th Nov. 1835	Kent	14	14	211	211	132,696	143,278
Mr. Gulson 28th Oct. 1834	Berks	8	11	140	263	164,915	133,690
	Oxford	3		113			
	Hants 1, Glouc. 2	...		...			
	Warwick 2	...		...			
	Wilts 2	...		...			
	Northampton 3	...		10			
Mr. Power 4th Nov. 1834	Hertford	4	10	68	227	150,563	125,301
	Essex	3		96			
	Cambridge	3		61			
	Hunts	...		2			
Mr. Hawley 5th Nov. 1834	Sussex	11	11	132	132	107,578	118,811
Mr. Adey 8th Oct. 1834	Hertford	8	13	71	165	158,931	110,214
	Bedford	4		78			
	Bucks	1		13			
	Middlesex	...		3			
Mr. Mott 4th Nov. 1834	Suffolk	4	8	129	198	127,619	107,147
	Wilts	2		25			
	Gloucester	1		35			
	Middlesex	1		8			
	Somerset	...		1			
Carry forward . .	...	88		1477	1,024,167	£884,982

[1] From the Second Annual Report, p. 569, the date of the appointment of each Commissioner is added. On the 17th of August 1836 the following Assistant Commissioners had been added to the list:—Mr. George Clive (Monmouth, Carmarthen, Glamorgan, Gloucester, Hereford, Brecknock); Mr. E. W. Head (Hereford, Radnor, Worcester, Salop, Gloucester); Mr. William Day (Salop, Hereford, Stafford, Worcester, and Montgomery); Sir J. Walsham (Dorset, Northumberland, Somerset); Mr. W. J. Voules (Westmoreland and Lancaster); Mr. J. Digby Neave (Chester); Mr. T. Stevens (Berks).

[2] Misprinted "1835" in the original.

Name of Commissioner, and date of appointment.	Up to 8th of August 1835.					
	County.	Number of Unions declared.		Number of Parishes united.		Population.	Total Amount of average Rates included.
Brought forward .	...	88		1477		1,024,167	£ 884,982
Mr. Gilbert 1st Dec. 1834	Bucks	6	6	145	150	109,871	104,713
	Oxford 4			5			
	Herts 1			...			
Mr. Hall 7th Mar. 1835	Berks	5		45	137	79,007	72,900
	Oxford			81			
	Wilts 8, Bucks 2, Hants 1			11			
Mr. Earle 7th Mar. 1835	Northampton	7		154	162	92,259	68,697
	Oxford 2, Bucks 2			8			
Dr. Kay 11th July 1835	Bedford 3	...		...		...	...
Mr. Pilkington 4th Nov. 1834 Resigned, 22nd Feb. 1836	Sussex	5	5	110	112	52,223	61,212
	Hants			2			
Mr. Weale 11th July 1835	...	...		...		...	...
Sir Edward Parry 7th Mar. 1835 Resigned, 15th Feb. 1836	Norfolk	2	2	68	68	27,597	29,039
Mr. Tufnell 11th July 1835	...	...		...		...	...
Totals . .	...	111[1]		2311[1]		1,385,124	£1,221,543

Sir Francis Bond Head was the emissary despatched by the Commissioners to Kent. His report, dated the 1st August 1835, states that "with the exception of Romney Marsh the whole of East Kent, comprehending an area of 590 square miles, is now grouped into compact unions of parishes: these unions are all very nearly of the same size; all contain very nearly the same population; all have voluntarily adopted for their workhouse the same low, cheap, homely building; all have agreed in placing it in the centre of their respective unions; all have reduced their medical expenses very materially, and all have determined to procure

[1] The addition of these two columns does not appear to agree with the figures as printed.

bread and provisions for the poor by open contract." In a letter to the Commissioners, Sir. F. Head describes "the low, cheap, homely building." "My principle for a poorhouse is this, build poor men's cottages, but instead of having one long street, bend it into a quadrangle which forms also a prison, having within itself an area of ground in which the board can introduce any system it may choose." This plan, in all its naked simplicity, was actually carried out in many of the Kent unions.

Further, he reports that excellent appointments of officers have been made, and that the election of guardians has pressed into the service men of position and experience. Proposals have been spontaneously made for a meeting of the administrators of the different unions for discussion,—an early suggestion of Poor Law conferences.

The new boards, he remarks, resting firmly on the law of the land, directed by the orders of the Commissioners, "*shielded from all odium*," and supported, as they hope, by the Government, were competent to control the expenditure of the poor-rate. The full advantages of the new Act cannot yet appear, but the Assistant Commissioner records his astonishment at discovering how not only individuals but classes have been abstracting profit as well as popularity from the vast and hitherto unprotected mass of money collected nominally for the relief of the poor. His action in carrying out the policy of the Commissioners put the rate-receiver below the ratepayer, and it soon became evident to all that this honest adjustment healthily excited the industry of all classes. This industrial reformation has been brought into conspicuous relief by "the mutinous resistance which was fortunately offered to the operations of the earliest unions which I formed."

Owing to the order that relief to the able-bodied

and their families should be half in kind and half in money, great discontent was expressed by the paupers accustomed to the old system. They proceeded to attack the relieving officers, to insult and assault their own magistrates, to arm themselves with clubs and drag independent labourers from their work, to insult the women who for the sake of their children were willing to accept the bread, to threaten certain Kentish yeomen that "they would hang them up by the heels to their own trees," to beat cruelly two gentlemen of great worth and respectability, and finally, to carry their violent conduct to the very verge of murder. The unreasonable occasion of this outbreak, and the lawless effrontery with which it was accompanied, were more eloquent proof, says the Assistant Commissioner, than any words of his of the necessity and the beneficence of the new law.

The workhouses were not yet completed, and it was not yet possible to elevate the independent labourer above the pauper through the disabilities fastened on the pauper by means of the workhouse discipline. Still, the mere discussion of the new system and the firmness of the authorities had already produced a great change, and he reports the exclamation of a country gentleman: "If even the shadow of the Bill can produce for us such an effect, surely what benefit we shall derive from its substance!"

The Assistant Commissioner was at first met with some prejudice, yet in no case had he been obliged to have recourse to the compulsory powers possessed by the board. His method of procedure was to consult in public meeting the magistrates, parish officers, and principal ratepayers of each petty-sessional division; of these, 705 out of 710 approved and supported the action of the Assistant Commissioner. The guardians of nine extensive incorporations, whom he had no power to coerce, voluntarily agreed to dissolve and avail them-

selves of the new grouping proposed. Though he had no power of building workhouses, the guardians in all the new unions, after consideration, made formal application for permission to build this necessary instrument of the new policy. He also brought about, by the same judicious diplomacy, desirable alterations in the dietary adopted in various workhouses.

Indeed, he sums up, in all the alterations made at his instigation, he has found that the new guardians were eager to break away from the evil traditions of the old law and gladly welcomed his assistance and advice. The advantages of the new system were generally acknowledged, and there was no disposition to return to the old law. "Nothing," he sums up, "can be more creditable to any country than the manly determination with which all respectable individuals cheerfully and voluntarily have thrown aside popularity and profit the moment they clearly saw that by doing so they could annihilate a horrid system which they had long practically lamented and condemned."

The report of Mr. Mott deals with the administration of the law in the counties of Suffolk, Wilts, Gloucester, Middlesex, and Somerset. He had united 198 parishes, for the most part in Suffolk, and expending an average poor-rate of £107,147, into eight unions containing a population of 127,619. As already related, this gentleman began his duties with a very considerable knowledge and experience of parochial account-keeping, and he accordingly devotes a portion of his report to a consideration of this important subject. His remarks, he submits, must necessarily be "a simple narration of unconnected facts."

In Gloucestershire the average expenditure was 8s. 11d. per head of population; the office of overseer was generally filled by a respectable farmer, and there was no sign of peculation.

In Wiltshire the average cost per head was 16s. 7d., and peculation and bad management were everywhere apparent.

In Suffolk, where the poor-rates were enormously heavy (in some parishes 40s. per head, and in whole districts averaging near 30s. per head on the population), every species of fraud, perjury, and corruption has come to light on his inspection. The old incorporations, under various local and general Acts, seem to have taken the lead in this anarchic confusion. He singles out the incorporated hundred of Blything in Suffolk as an extreme instance.

The general charges for the management of this incorporation were debited to each parish in proportion to the whole cost of the poor in each parish, and the calculation of these several amounts was based on returns made by the parish officers of each parish. False returns seem to have been made systematically by a large proportion of the 46 parishes included in the hundred. The returns, as gathered from the incorporation books, showed a total parish expenditure of £11,295 per year, while the real expenditure seems to have been £20,288. The returns had been falsified to the extent of nearly £9000, and any unfortunate parish that made a true return had to pay a disproportionate share of the incorporation's expenses. Another source of mischief was the practice of using the surveyor's rates as a species of poor-rate. The surveyor's rate was limited to 2s. 6d. in the pound. This was expended on able-bodied paupers performing some perfunctory surveyor's work, and only the balance (if any) over and above the 2s. 6d. rate was transferred to the poor-rate. This transfer led to the detection of the practice. The object, of course, was to diminish the parish expenditure on poor-rate as handed in to the incorporation. The overseers, collectors, and surveyors, who frequently combined the various offices in their

own persons, charged to each rate the full expenses for one and the same journey. In duplicate salaries and journey expenses, the Assistant Commissioner thinks, there will certainly be under the new system a saving of £1000 per annum in the hundred of Blything alone. In fact, he concludes, the "hundred management of Blything, so perfect in theory, is in practice the most disgraceful and deceptive that can be conceived,"—so hopelessly corrupt that no individual exertions could amend it.

The contiguous hundred of Mutford and Lothingland was, comparatively speaking, a well-managed district. Here the management had been placed in the hands of the board of directors and guardians representing the incorporation, and not, as in Blything, in the hands of the overseers of each parish. A comparison of the charges for salaries alone, as incurred in Blything, with those of Mutford and Lothingland, show that the centralised system of the latter would effect a saving of from £1200 to £1300 per annum if adopted in Blything.

The following is adduced as an illustration of the encouragement to pauperism held out by the old system as pursued in Blything.

At Bulcamp, in Blything hundred, he found a regularly licensed shop fitted up and kept by a pauper in the house of industry. The house was surrounded by a farm, with ten milch cows for the use of the inhabitants. Many years before two men, Munn and Gosling, with their families, came into the house of industry. Children were born to them, who, on reaching the age of 13, were apprenticed to a trade. They married when their time was out, and came back with their wives and families to the house of industry. Their children and their children's children pursued the same course, and at the date of the Assistant Commissioner's visit there were three generations of the families Munn and Gosling living in the establishment at the charges

of the hundred. In the neighbouring county of Norfolk he observed that the doors of some of the rooms apportioned to the married couples in one of the so-called workhouses were nailed up. On inquiry he was told that the paupers who inhabited them had gone away harvesting, and that the rooms were nailed up by them to prevent them being occupied during their absence. In Blything ten or twelve cases of young paupers, marrying and coming to the directors and guardians for a maintenance, had occurred "close upon the heels of each other." The malpractices of the individual parishes were quite unknown to the directors and guardians of the incorporation, and on calling a meeting under the local Act, a dissolution of the incorporation was unanimously resolved. The new measure was put in force under a new board of guardians, with the assistance of the Earl of Stradbroke, Sir Thomas Gooch, and others of the principal gentry, with every prospect of success.

Mr. Mott further reported that the method of account-keeping had hitherto been of the loosest description. He gives a specimen of one assistant overseer's weekly account from the parish books of Chertsey. The addition is clearly wrong, but the account is presented in such an inconvenient form that it is difficult to check it. This man defrauded the parish of nearly £1000, destroyed or took away the bond given to the parish by his sureties, and then absconded. From the parish books of Bedminster, Somerset, he extracts a form of audit to the following effect: "We, the undersigned members of the vestry of the parish of Bedminster, have examined the foregoing accounts of the overseers from 26th March 1816 to 25th March 1827. There appears a balance of £37, 5s. 5d. due from Mr. Pownall to this parish; and also a balance of £39, 8s. from Mr. Williams, the assistant overseer, due to this parish. And, subject

to such balance being paid, we do audit, pass, and allow the said accounts."—Signed by ten vestrymen. This balance was never paid, and it thus appears that for eleven years there had been no audit.

The abuses of pauper marriages promoted by the overseers engaged some attention from this Assistant Commissioner. In one metropolitan parish he finds many entries, of which the following is an instance: "Fees towards necessary marriages, £24, 16s." He records also the case of a man who, by the promise of a marriage portion of £6 from the parish, was induced to marry a certain female pauper. There were two children of the marriage. It then turned out that the man was already married. The pauper and her two illegitimate children were then returned on the parish, which already had expended the marriage portion of £6.

To illustrate the abuses connected with the marriage of paupers, carried out at the instance of the authorities, the following examples—the first from Mr. Mott's report for the next year—may be quoted. In the parish of Effingham, Surrey, the following almost incredible transaction is reported to have taken place. Henry Cook, a pauper, was apprehended by the parish officers of Slinfold, Sussex, as the father of an illegitimate child with which a young woman of Slinfold was then pregnant. In accordance with the system then (1814) in vogue, a forced marriage was contracted, and the woman and child were conveyed to the Effingham workhouse. The contractor for the maintenance of the parish paupers, one Chippen, objected to this addition to his responsibilities, and prevailed on Cook to sell his wife. "The overseers accordingly directed Chippen to take her to the town of Croydon on the next market day, which he did on 17th June 1815, in a halter, where, as it had been previously arranged, the husband met them.

The wife was then sold by the husband to one John Earl for one shilling, which was given to Earl by Chippen to make the purchase. In order to bind the bargain, the following receipt (the original is now in my—Mr. C. Mott's—possession) was written out on a 5s. stamp, and attested by Daniel Cook, the brother of the husband, and Chippen, the governor of the workhouse" :—

Copy.

[5s. stamp.] *June* 17, 1815.

Received of John Earl the sum of one shilling, in full, for my lawful wife, by me. HENRY COOK.

DANIEL COOK
JOHN CHIPPEN } *Witnesses.*

The governor of the workhouse, by the desire of the overseers, paid the expenses of their refreshment at Croydon, and of the conveyance there and back ; he also took the purchaser, John Earl, and Cook's wife back to the workhouse at Effingham, and allowed them to sleep there that night. Next day they departed to Dorking, Earl's parish, and after publication of banns on three Sundays, Earl and the woman went through the marriage ceremony. The parish officers of Effingham provided a leg of mutton for the wedding feast. Earl and the woman lived together as man and wife for many years, and had a family of seven or eight children ; but Earl, having ascertained that the marriage was not valid, deserted the woman, who was then with her family removed to Effingham, the parish of her husband, Henry Cook, where, at the date of Mr. Mott's report (1836), they had been maintained ever since at the charge of that parish. All the expenses incurred in these transactions were duly entered in the parish books and were passed by the parish vestry. The parish officers of Effingham subsequently brought Cook before the magistrates with a view of making him support the woman and her family. The magistrates dismissed the application.

This occurred in the year 1815 ; the following, however, was of recent date. Three men named Seward, Hemington, and Skeels were tried at Cambridge for having unlawfully conspired to procure one Sarah Brittain, a pauper of Chatteris, to intermarry with one Richard Spriggs, a pauper of the parish of St. Ives, for the purpose of causing her to be settled in the latter parish. The girl was pregnant of a child, of which Spriggs was the father. After an unseemly wrangle at the altar as to terms, money was paid to Spriggs to induce him to marry the girl. The facts were disclosed in the course of a dispute with regard to settlement, and as a result these proceedings were instituted. In the course of the dispute Spriggs is alleged to have said that he would swear for the parish that paid him best. The defendants were all found guilty. Seward, the principal defendant, was stated to be a gentleman of fortune (*Annual Register*, 1834, p. 37).

To return to Mr. Mott's report for the first year, the directors and guardians of the incorporated hundred of Wangford, Suffolk, in their desire to prepare for the introduction of the new measure, set their paupers to work at brick-making, for which there were facilities close to the existing house of industry. The labour of the paupers was not sufficient, so men had to be hired from a distance ; and the Assistant Commissioner describes how those "hard-working honest men walked 4 miles to their work each morning, worked hard all day, lived upon coarse fare, drinking water, and walking home at evening to their families, whilst the lazy, able-bodied paupers lived on the spot, had good, hot meat dinners, five pints of strong beer daily, and 1s. per week to spend on Saturdays."

In contrast to the comfortable condition of these able-bodied paupers,—a case where he evidently thinks a sterner discipline would have been salutary,—he describes a visit paid to the workhouse of St. Philip

and St. Jacob, one of the out-parishes of Bristol. "In one corner of the building I discovered," he says, "a most dismal, filthy looking room. . . . It reminded me of a coal-cellar rather than the residence of a human being. The sole tenant of this miserable abode was a poor distressed lunatic. His appearance was pitiable in the extreme; his clothing was extremely ragged; his face literally as dirty as the floor; his head and face were much bruised, apparently from repeated falls. . . . He sat listless and alone, without any human being to attend upon or take care of him, staring vacantly around. . . . I endeavoured to rouse this poor, pitiable fellow-creature, but the attempt was useless, all sensibility had forsaken him. To the very great shame of the parish officers, I found he had been in this disgusting state for years."

On the formation of the Bradford union, Wiltshire, upwards of 250 persons, many of whom had been receiving relief for years, relinquished their relief rather than face the separate inquiry, which was now become necessary, and it is estimated that a saving of £7000 out of a former expenditure of £10,000 would be effected for the ratepayers. At the same time an improvement had taken place in the relief of the aged and infirm. In Bristol, out of 1400 persons to whom relief in the workhouse was offered, only about 6 per cent. accepted it. Respectable and active magistrates were taking part in the business of the new unions. Litigation about settlements was on the decrease. In towns a similar reformation was reported. Rents were quite as punctually paid as when they were paid out of the poor-rate. "Mr. Dix, a respectable owner of a large gin shop near Lambeth workhouse, openly confesses that . . . many of his former customers, . . . having been driven on their own resources, have procured work for themselves, and have discontinued the use of spirituous liquors." The decrease

in the sums taken at the public-houses was a subject of general remark, and it was attributed to the stoppage of out-door money relief to the paupers. The workhouses were not being filled. On the contrary, "I do not know a workhouse in or about London where the inmates are not less in numbers than they were before the passing of the new Poor Law Amendment Act."

More remarkable still was the decrease in the bastardy charges. In a London parish, out of 127 illegitimate children, to whom with the mothers the workhouse was offered, only six were allowed by their friends to go in. In another, out of 22 only one accepted the offer of the house. In the workhouse of St. Paul's, Covent Garden, previous to the Act, the number of women confined of bastard children averaged about 25 per annum—not a single case had occurred since the passing of the Act; and a similar decrease is observable in other metropolitan parishes.

He next dilates on the evil of "extra charges" as the prolific source of peculation. Thus in one small parish he found the sum of £54, 5s. 10d. charged for killing sparrows, at the rate of 3d. per dozen. This, he calculates, meant about three good horse loads of sparrows of 1461 pounds each. Such charges, he says, will continue to be made without detection, for, as in Suffolk, if they cannot get the money for the poor-rate they will have recourse to the surveyor's rate and to the churchwarden's account, and thereby cloak charges the most extravagant and ridiculous.

Generally Mr. Mott was satisfied with the progress of the new Act. Instances were very rare of any respectable person opposing the introduction of the new law.

The experience of Mr. Edward Gulson, the Assistant Commissioner in Oxfordshire and Berkshire, is of

the same character. The local authorities welcome him, often remarking: "Never mind explanation: we cannot be in a worse state than we are now; and we gladly put ourselves into the hands of the Commissioners." He gives the same account of widespread maladministration. At Thame he found a population of 2800 burdened with a poor-rate of £6000 per annum. There were, at the date of his visit, 127 able-bodied men out of work; many of these he found playing the old game of "pitch and hustle" with halfpence (doubtless parish money) upon the roads where they were professedly at work.

In the books of Hampton Poyle he found the following items:—

Paid for men and boys standing in the pound 6 days . £6, 7s.

And in every week's payments appeared a list of labourers, thus:—

W. Wheeler, standing in the pound 6 days . . . 8s.
J. Cartwright, „ „ 4 „ . . . 6s.

This standing in the pound may be less ridiculous than at first sight appears. It was really a device for preventing the farmers from paying their wage-bill out of the rates. At Atcham, then a rural parish, not as now a union including Shrewsbury, the following story relating to a similar expedient has been told. The farmers pressed the adoption of the allowance system. They were prepared to pay a few shillings, and the rest of the maintenance of their labourers was to come out of the pockets of the ratepayers. Acting, no doubt, on instructions, the assistant overseer of the parish, Mr. Everest, bought a sack of marbles. He then summoned a meeting of the principal farmers and showed to them his new purchase. When asked for an explanation, he said that he was going to set the able-bodied paupers of the parish to play marbles in his yard, "and you," he said, turning

to the farmers, "will have to pay them for so doing." They naturally objected. "Very well," he said; "if you want their labour on your farms, you must pay them. If they get anything out of the rates, it will be for playing marbles here with me, and not for working on your farms." This homely illustration had its effect, and the marbles were not brought into use. It was an expedient only to be justified by success.

At Mapledurham a sturdy pauper, whose history is given in some detail, repaired one dark night in January to the house of the overseer demanding relief, or, as he put it, "money or blood." The overseer and his wife were in bed, but, under threat of having their house set on fire, money was thrown out to the besieger from the window. In the dark the coin was lost, and the unfortunate overseer's wife had to come down in her night-dress and search with a candle until she found it, and so was allowed by the pauper to return unmolested to bed!

The natural feelings of humanity and kinship were being destroyed by the operation of the law. At Yattendon, in the parish accounts, an item frequently repeated was—

	s.	d.
To Elizabeth W., a present for her kindness to her father .	5	0
„ Lucy A., for looking after her mother when ill . .	3	6
„ Mary B., for sitting up at night with her father . .	2	0

The overseer's wife, herself a mother, saw nothing wrong in this, as "for children to be dutiful to their old and sick parents was a great hindrance." In the books of Worminghall was the following:—

	s.	d.
Richard Shilton, five days looking after his family . .	5	0
A. Gibbs, looking after his wife	6	0

This last item was continued every week during a year's account. At Britwell, Salome, nearly £20 is entered for "birdkeeping, moles and sparrows." In the parish books of Garsington, which had been passed

and verified on oath before the magistrates, there was hardly a single column correctly added. Unless there existed some additional private account, no true balance within £50 could have been struck between the overseer and the parish.

At Compton there was the following curious bill for a pauper's wedding :—

	£	s.	d.
Putting up horse and cart	0	1	2
Mr. Bent, the clergman, for a licence	3	3	0
Hire of horse and cart	0	6	2
Clergyman not at home Expenses at Swan Inn *Keeping Rumbold*, the *male* pauper, In Holt Paid for dinner the day he was married	1	19	4½
Constable	0	3	6
Gold ring for Wm. Rumbold to be married with	0	8	0
Parson's and clerk's expenses	0	15	0

At East Ilsley "the overseer told me that the clerk was a *dreadful man*," and threatened to fight him if he struck out a charge for tolling the bell at the death of every pauper.

The affairs of the parish of Sutton Courtney, in Berkshire, are set out in some detail. They give a very fair illustration of the work of the Assistant Commissioners, and a brief epitome may not here be out of place.

The parish had been notorious for the abuses of the Poor Law administration. It contained 2000 acres, paid £1300 per annum poor-rate, with 830 inhabitants, thus making the cost per head £1, 11s. 6d. The crime and demoralisation was such that it suggested the proposition, that the morality of a parish varied inversely with the amount of its poor-rate. Four men had been hung and nine transported for life or fourteen years within the last four years. The number of convictions in it had trebled that of any of the adjoining parishes. When the overseer was out of funds he stuck a notice on the church door to the effect, "A rate wanted."

Upon this a rate was granted. The relief given was by order on a shopkeeper, who proved to be the assistant overseer. The pauper paid 4s. for articles obtainable for 2s. 6d. elsewhere. The profits of the system could not have been less than £400 per annum. At the vestry the Assistant Commissioner asked for the books. They were reluctantly produced, but no entry had been made for the last £200 which had passed through the overseer's hands. This lavish system of expenditure had not produced content. On the contrary, it had produced a class ready to avenge its real or supposed injuries. Of this feeling, and of the lawlessness which it produced, the Assistant Commissioner proceeds to give instances which for brevity's sake are omitted.

The neighbouring parishes requested that they might not be incorporated in a union with this unruly district. Their wish was respected, and, according to instructions, the Assistant Commissioner dissolved the vestry, sealed up the books, and dismissed the overseer. A board of guardians was elected, and, though only seven months had elapsed, the exercise of their authority had been most beneficial. Although they were still without that essential feature of successful administration, a good workhouse, a saving of about £400 had been effected, and the lawless character of the parish considerably altered for the better. So marked had been the change that the guardians of the Abingdon union were now agreed to receive the formerly rejected parish into their union. In the Second Report, issued August 1836 (p. 280), Mr. Allnutt, of Sutton Courtney, is reported to express his entire satisfaction with the operation of the new Act; the surplus population has almost disappeared, and the improvement of the people represented a value far more important than the mere reduction of the rates.

Only in one union, that of Faringdon, had the new

rules and regulations, *with the support of a workhouse*, been brought fully into operation. The Assistant Commissioner united 29 parishes in the union of Faringdon, under the order of the Commissioners dated 2nd February 1835. This union was the second[1] formed under the new Act, and at the date of the report had been in operation five months. Many of the united parishes had been highly pauperised. Faringdon possessed a large workhouse capable of holding 300. It contained 63 persons belonging exclusively to Faringdon. It was well managed, and proper classification was carried out, but apparently it had not been used as a test, and the parish was heavily burdened. After the union had been declared, alterations, to cost £900 when completed, were commenced. Viscount Barrington became chairman of the new union. Out-door relief to able-bodied was discontinued. The workhouse at the date of the report contained 74 inmates for the whole union. Eighty-seven labourers with families, who for years had been constantly dependent on the Poor Law, were refused out-door relief in February and March. Not one-half availed themselves of the offer of the house, but immediately found means of providing for themselves. Those who accepted the offer stayed one, two, or three days. Only two stayed more than four days. "Being anxious to ascertain whether the application of this principle had inflicted hardship upon these men and their families, and whether the denial of out-door relief had driven them from their own villages to seek an uncertain subsistence elsewhere, I devoted several days, in the parishes to which they belonged, to the purpose of ascertaining their real situations by visiting them at their own homes. I found that of the 85 men, 78 were at work in their respective parishes, and two others in the immediate

[1] The union of Abingdon, also in Mr. Gulson's district, is stated by him to have been the first formed.

vicinity, and not one of them had his dwelling broken up. Thus were 85 men with their families at once relieved from the degradation of pauperism, and, by being thrown upon their own resources, taught that they could honestly and independently support themselves and their families by their industry; most of them had at that season been upon the parish books for three years."

He continued his inquiry among the farmers. "How," he asked, "had employment been found for the 'surplus' population?" "Why, sir," the answer was, "they were not worth a shilling a week before, and I would rather have had them off my ground than on; they were always dissatisfied and idle, corrupting the few good labourers that remained; whereas now they come to me with a totally different bearing, saying that times are altered, and they have nothing but the workhouse to fall back upon in case of necessity. They promise that if work can be found for them they will exert themselves to merit employment; and as I know the truth of their statement, I have consented to give them a trial, and they are becoming as good labourers as their more independent comrades. The farmers are, in fact, all willing to employ them, now that the quality of their work is not deteriorated by the easy compliance of the parish with the demands of the idle and careless, and the parochial fund is devoted solely to the relief of those whose real necessity (tested by the workhouse) gives them a lawful claim upon its resources." At the date of Mr. Gulson's report some 300 labourers had been rendered independent by the new procedure.

The following is an account of expenditure for the relief of the poor in the several parishes of *Faringdon union* for six weeks commencing May in the years 1834 and 1835 :—

Total expenditure . . .	1834	£759	16 2
„ . . .	1835	367	2 4

The comparative number of paupers for the same period :—

	1834.	1835.
Able-bodied	288	33
Children	887	320
Infirm	361	321
Total	1536	674

Mr. Gulson concludes his report by bearing testimony to "the *kind* and *cordial co-operation* I have met with *from the whole body of magistrates* throughout the two counties of Oxford and Berks." The leading men in both counties were coming forward to take their share in the responsibility of the new Act. He appends a number of expressions of opinion from clergymen and magistrates testifying to the success of the new measure, of which it will suffice to quote the following from Mr. Thomas Stevens (subsequently an Assistant Commissioner), "an active and intelligent magistrate," who reports that the measure was unpopular among the farmers of Bucklebury, one of the largest parishes in the new union of Bradfield. They "have certainly endeavoured to impede our progress by turning off many of their labourers"; he feels confident, however, that they will soon discover that they are preparing a rod for their own backs. The labourers are getting more independent and are moving farther afield. When the Bucklebury farmers want the services of the labourers, they will have a higher price to pay, and probably be unable to get labour on any terms. Mr. Thomas Stevens (the Rev. H. Mozley records in his *Reminiscences*, vol. ii. p. 20), not long after taking his degree, formed his own Poor Law union. He was afterwards pressed into the service of the board as Assistant Commissioner. He was for many years chairman of the Bradfield board, and laid the foundation of that system of strict Poor Law relief which was carried

to much further lengths by his successor, Mr. Bland-Garland.

Mr. Hall, an Assistant Commissioner employed in Berkshire and contiguous counties, sets out at some length the later history of the Act of Speenhamland. The custom, thereby consolidated in a set of resolutions, had obtained before the meeting at Speenhamland. The magistrates were not more ignorant of the problem than the House of Commons. He deplored these mutual recriminations, more especially those which tried to throw all the blame on the magistrates. He found them most ready to act on advice, and they have taken the lead in introducing the new reformed system. The authority of the bread table had in recent years somewhat declined, but the intervention of a strong outside authority was still necessary for its complete abolition. At the vestry meeting at Newbury he found that the language commonly used seemed to accept the principle. They spoke "of making up the man's money"; and paupers presented themselves to ask what "their money was." So firmly implanted is the principle, not only that the pauper has a legal claim upon the parish for the supply of his necessities, but that he has a right to a certain amount of relief, for which he can qualify himself at pleasure.

Various modes of relief management had come under the Assistant Commissioner's notice. *Payment off the book* (*i.e.* from the poor-rate) *in aid of wages* was the most general, as being one especially enjoined by the Berkshire magistrates. The custom had, however, declined in Berkshire, where it first began, and was most rampant in Oxfordshire. Still, even in Berkshire the maxim seemed always to be, We pay so much for the third, fourth, and fifth child. Nowhere did he hear, "We require the parent to maintain his children by his own industry."

In Oxfordshire, at North Aston, he found a man working for a farmer at 9d. per week. In addition to this, the overseer, who was brother-in-law to the farmer, paid him 5s. out of the rates.

At Aulbourn, in Wiltshire (then about to be included in the Hungerford union), a pauper for a long time applied for and received 1½d. per week as the sum to which he was legally entitled, and several men would walk a distance of two miles for the weekly parish pay of 4d.

In Oxfordshire, also, the roundsman and the ticket system still largely prevailed. Nowhere was this worse than at Bicester. There the parish, in the first instance, settled the proper amount of income for each labourer within it, according to the number of his family and the price of bread; the farmers, at a general meeting held once a year, bid against each other, and each labourer in turn was knocked down to the highest bidder; the balance of income was then paid by the parish. Good character was of no advantage to the man, for all received the same.

The overseer of Boarstall, in Buckinghamshire, described his dairy farm, where he employed independent labourers, who had to be at their milking at 5 a.m. and at 6 p.m., while the roundsman came at 8 or 9 and left again at 3 or 4. Their work was worth nothing. They were all, however, paid alike, "according to their price." The number of roundsmen was increasing, and things were becoming worse and worse, and unless the Assistant Commissioner was able to help them, industry would come to a standstill.

In his peregrination of his district the Assistant Commissioner met one morning, in the parish of Brightwell, six or seven men professedly working on a road. Returning in the afternoon, he found them, reposing in various attitudes, near the spot where he had seen them before. "Do you think you earn your money at this

work?" he asked. "If I do," answered one of them, "it is by walking here and back again." "Why! do you do the road no good?" "Not a morsel, sir; I think we rather do it harm." "Then why do they put you here?" "Oh, sir, we know the overseer only puts us here to suffer (*i.e.* punish) us, and I have told him he had better give us our money for nothing." "But why not get employment from the farmers?" "The farmers will not give us any just at present; they keep us here like potatoes in a pit, and only take us out for use when they can no longer do without us." Such was the pitiful result of parish interference and the adoption of the bread table—sullen discontent on the part of the labourers, and harshness and dislike on the part of the employer.

At Hungerford the ill blood engendered by this evil contrivance broke out into open violence; concessions were granted, but only served to widen the breach. At Deddington hardly a night passed without some outrage being perpetrated on the property of the unfortunate individual who filled the office of overseer. Throughout all this district, accordingly, the Assistant Commissioner found the local authorities only too ready to adopt his recommendations. At Newbury the overseers were four in number, and each had the management of the parish for a fortnight in turn. They each pursued a different policy. One employed a baker who was his friend, another baked in the poorhouse, and, as a consequence, a great fluctuation in cost was observable. One was of a reforming disposition, and attempted to introduce classification, ordering certain structural modifications in the poorhouse for that purpose. His successor in office for the next fortnight ordered the removal of the alterations. "I left the wall standing," said the master, "and when I came back after an absence of 48 hours, it was clean gone." Relief was usually paid in money, and

the pauper was heard to boast that 1s. 6d. and a hare were sufficient for his needs. The population, in fact, subsisted on parish pay and depredation. The substitution of bread for money had caused great dissatisfaction. Bread was unsaleable. The beerhouse-keepers declined to take it in exchange for beer, and some of them, it is suggested, stirred up ill feeling against the new law from interested motives.

During the formation of the Wallingford union, he found his action impeded by the fact that three parishes in Wallingford borough had incorporated themselves in 1807 under Gilbert's Act, and built a common workhouse. He gives the most deplorable description of the state of the workhouse. The paupers regarded their tenure in the establishment as a freehold. Many of them were young married couples. In one room were a number of women, the mothers of illegitimate children. An old man and his wife, dignified by the title of governor and matron, only just above the pauper class themselves, were employed at 12s. a week "to set things straight and keep all quiet." In the event of a drunken pauper making a disturbance in the night, the governor got out of bed and turned him out of doors. When a vacancy occurred, there was a regular scramble between the united parishes, each being anxious to secure a rent-free tenement for some troublesome pauper. The advantage of a workhouse was entirely lost for want of the overruling authority of a Central Board. "Practice has utterly falsified the generally assumed axiom, that those who raise money are best qualified to spend it. . . . Almost every parish I have examined affords proof that in the administration of the poor-rate the principle must not be relied on."

Mr. Hall's appointment dated only from March, but even already he could report that in the 5 unions declared through his instrumentality in Berkshire, Oxfordshire, and Wiltshire (namely, Newbury, Hunger-

ford, Wallingford, Woodstock, and Bicester), including 136 parishes, there were signs of the lessening of parochial burdens, and of the moral regeneration of the working-class.

He rightly describes the new law as a measure of emancipation. The employer, on the one hand, can no longer use the parish as the means of keeping a supply of labour "like potatoes in a pit," but he is obliged to pay adequate wages to retain the services of the labourer. The labourer, for his part, is no longer *adscriptus glebae*, induced to remain on the same spot because he knows the parish will make up for him all deficiency in his wages. He bestirs himself and carries his labour to the best market, even if he has to move into the next parish or county. He seeks a full value in exchange for his labour, and he obtains it.

The report of Mr. (afterwards Sir) Alfred Power refers to the counties of Cambridgeshire, Hertfordshire, and Essex, in which he had been instrumental in joining 222 parishes into 10 unions. The unions are as follows:—Bishop Stortford, Great Dunmow, Saffron Walden, Ware, Hertford, Buntingford, Royston, Linton, Caxton, Chelmsford.

After describing the arrangements he had sanctioned for utilising and supplementing the existing supply of workhouse accommodation, and remarking on the improvements which, independently of his action, had already been introduced in the parishes of Buckendon (Hertford), All Saints (Hertford), and in Linton (Cambridgeshire), he ventures "to state to the board another ground of his confident expectation of success." "It may be right," he continues, "to dwell on this subject at some length, since there are many persons who, admitting the perfect success of the workhouse system in isolated cases, doubt the efficacy of its operation on an extended scale. This distrust is

founded, for the most part, on an exaggerated belief of the amount of surplus agricultural labour existing in some of the southern counties of England; and it is to an examination of the real nature of this apparent surplus that my attention has been directed."

A right understanding of the point here raised is of paramount importance. Nay, we may go further, and say that the false conceptions arising out of this assumption of surplus labour, have in our own time done more to impede the progress of the labouring class than any other delusion to which popular prejudice has been a prey.

If there is a proper organisation of exchange, there can be no such thing as surplus labour. There may be a surplus of labour in a given trade or in a given place, but if labour assumes the mobility and adaptability, to which the condition of contract as opposed to that of status is of necessity leading, the problem is in course of attaining the only solution which as yet has appeared on the economic horizon. An ill-conceived Poor Law is not the only institution tending to restrict the mobility of labour, and its easy passage from the worse paid to the better paid employments. The whole theory of trade unionism, in so far as it is an attempt to confer on certain sections of workmen a right to a given trade, is an obstacle to that complete exchangeability of labour which is the direct antithesis to that congestion which gives rise to talk about a surplus population. The ideal of the modern industrial system involves an exchangeability of labour, which in time should be hardly less absolute than the exchangeability of currency. Free trade in labour inevitably tends to so perfect a distribution of labour, that its influence may fitly be compared to the function of a mint in regard to the metal which forms the standard of a national currency.

In the meantime, and in this volume, we are

concerned only with the fatal immobility which has been fixed on labour by the vicious principle of the Poor Law. Its effect is clearly apprehended and set out in these early reports. We propose, therefore, to leave the disconnected relation of the abuses met by the Assistant Commissioners, and develop our narrative on the hint thrown out by Mr. Power, for here we are face to face with the very essential elements of our subject.

CHAPTER IX

THE ABSORPTION OF A SURPLUS POPULATION

Mr. Chadwick on Malthus—Mr. Power on surplus population at Barkway—The absorption of the surplus population effected in many different ways—Correspondence with Mr. Ashworth on migration—Report of Dr. J. Phillips Kay.

THIS chapter may fitly begin with a quotation which records a very favourite argument employed by Sir E. Chadwick as to the bearing of the Malthusian theory on the problem of the Poor Law.

He declared, says Sir B. W. Richardson, vol. i. p. 127, that he had never known any one investigation "which did not reverse every main principle and almost every assumed chief elementary fact on which the general public, parliamentary committees, politicians of high position, and often the Commissioners themselves, were prepared to base legislation." In order to prove this startling proposition, the following illustrations were supplied :—

"1. As regards pauperism, the prevailing doctrine, founded on the theory of Malthus, was that the general cause of pauperism was the pressure of population on the means of subsistence, and that the chief remedy for pauperism was extensive emigration. But the evidence brought before the Commission on Poor Law Administration showed that this was not the case, and afterwards, when, through the advocates of the Malthusian theory, provisions were made for the emigration of paupers from over-burdened districts, the demand was not shown as had been expected. In one district, where there were full 30,000 recipients of

out-door relief before the passing of the Poor Law Act, there was afterwards great difficulty, and notwithstanding all the exertions of the emigration agents, to fill two emigrant ships; and those persons who were removed by emigration were, except in a few cases, above the classes for whom the Act was intended."

Mr. Power, as we have remarked, saw the great importance of the question, and devoted a considerable portion of his report to its discussion. He selected the parish of Barkway, in Hertfordshire, as the field of a modest statistical inquiry. By the aid of the overseer he drew up a table showing the number of days' pay claimed from the parish during 32 weeks following harvest by 45 able-bodied men. Out of a total of 8640 available working days, 1843 had been paid for by the parish, the rest, 6797, had been hired by the local employers in the ordinary way. Only 4 or 5 of the whole 45 labourers had been continuously on the parish, the rest had lost a day here and there, and had then made claim on the parish. If employment had been continuous, all but 9 would have been fully provided for, and there would have been 1843 days' continuous want of employment for 9 out of the 45 labourers.

Mr. Power then propounds the question — Are these nine labourers surplus population in the sense of being unable to maintain themselves?

The 32 weeks following harvest, he remarks, are the least profitable period of the year for the labourer, and the remaining 20 weeks should, with proper husbandry, give him something to carry over to the less busy period of the year. The certainty that there was the parish to fall back on deprived the labourer of any motive to economise his earnings, and to spread the spending of them equally over the whole year. Further, the irregularity of employment, though it reduced some 45 men to the condition of occasional

paupers, if added together only accounted for the permanent idleness of 9, and under a better system this small margin would, he was confident, disappear altogether. He then proceeds to explain how the congestion was caused, and to show that it would melt away under the new and reformed system.

The farmers had been in the habit of dismissing their men if the weather was wet, and sending them to the parish. This system under the reformed law could no longer be continued, and more regular employment would certainly result. The employers were clearly given to understand that the old system of using the overseer's office as a house of call was doomed. Thus a memorial, addressed to the Commissioners from proprietors and occupiers in Sawbridgeworth, Herts, deprecating a union with Bishop Stortford, stated the following ground of objection:—"We contemplate a very serious inconvenience would arise by our able labourers being five miles distant from us (*i.e.* in Stortford workhouse); for we have found by experience that in this variable climate, at certain seasons of the year, the lands are rendered fit to be worked in a very short period, and it would be very troublesome to travel so far after labourers." "In plain words," Mr. Power comments, "these memorialists mean to say we wish our able-bodied labourers to be relieved in such a manner that they may be never out of reach when we want them. . . . Certain it is that the present parochial practice of maintaining able-bodied men in the interval of non-employment gives an undue facility to the employers for the hiring and dismissal of labour."

A disastrous competition in this respect had hitherto prevailed among the farmers. If one man turned away his labourers and left them to be supported by the parish, his neighbours were tempted to do the same. Even the substantial and public-

spirited farmer "who is desirous of making the best of bad times by cultivating to the utmost of his power, is embarrassed by the inevitable dilemma of taking upon him the employment of a disproportionate number of labourers, including the refuse of the parish, or of contributing enormous sums towards the unprofitable maintenance of those whom his fellow-occupiers have for a convenient season turned adrift upon the parish." "So-and-so has turned off two of his men; if I am to pay to their wages, he must pay to yours—you must go." Such was the language which farmers were wont to address to their labourers.

Again, the work of maintaining the roads was, in most pauperised parishes, taken away from the independent labourer and made over to the parish, which used it as a means of affording perfunctory employment to the pauper. Here, then, was another source of independent employment which the amended law would open for the local absorption of the able-bodied labourers. Admitting that there might be some surplus labour, Mr. Power proceeds to point out that under existing conditions this surplus was increased (1) by those who otherwise would be continuously employed "were it not for the facilities and inducements which the parochial system affords for the frequent dissolution and renewal of the contract of service"; (2) by those who did work withdrawn from the independent labourer, "in order to satisfy the parochial engagement of finding employment for the unemployed"; (3) by those who, but for the facilities now afforded for pauperism, would earn more, exert themselves more, and become independent; (4) by those who misapply their earnings, from the knowledge that the parish must provide. And all these classes, it may be added, are hermetically sealed down as it were, and egress into other parishes and districts discouraged if not prohibited.

The workhouse test, he is convinced, "will dissipate at once nearly the whole of this false and unreal appearance of surplus labour."

The evidence of the other Assistant Commissioners, and from every part of the country, entirely bore out this view, and the result may be summarised as follows :—

I. The surplus labour was on the spot converted into honourable and independent labour, which was self-supporting and in no sense surplus. Thus Mr. Gilbert narrates that at Risborough, a parish containing some 2000 inhabitants, there were "at this season last year, 149 able-bodied men with their families supported as paupers by the poor-rate ; this year there is not one single able-bodied man that is not maintaining himself by his own industry. The same results are effected in many, and are in progress throughout all, of the parishes in the district."

II. The surplus labour occasionally took the heroic step of walking into the next parish and finding employment there. Mr. Stratton, of Risborough, narrates how, before the Act came into force, the paupers used to stand in the market-place, slinking away and hiding if a farmer appeared who was suspected of a wish to employ them. One of these men, he tells us, was one of the best workmen in the place till he went on the parish. After that he refused to work for any one, and he and his wife spent most of their time threatening the vestry and agitating to have their allowances increased. When the new Act passed he walked out of the parish and found work ; and since the formation of the union he has not once applied for relief. Rev. J. Austen, rector of Pulborough, writes that "those who have for years been idling about the roads have at last gone out of the parish and have found work at good wages." Mr. Smart, clerk of Westbourne union, is of opinion that "the supposed surplus labour

has been absorbed in the union, but some of the labourers have gone to a distance."

III. The surplus labour was absorbed by fresh opportunities for employment. The absorption of surplus labour, it should be observed, does not require that the whole mass of labour in any given district shall acquire habits of mobility. Just as a vessel which is too full of water does not require to be emptied, a small portion taken from the top is sufficient to reduce the contents to the proper level, so a few families removing from a congested district is all that is necessary to give breathing space to a population which for the most part may be extremely immobile and averse to exertion and change. Further, the saving of the rates left the farmer free to employ more money on his farm. Mr. Clarke, farmer of Bledlow, remarks: "If I have the free use on Saturday night of £5; instead of paying it to the overseer, I shall be able to lay this out in labour on my land in the next week; whilst the labourer was half pauper and half labourer, he was like a man with two masters, and could do justice to neither; but now he feels that he is wholly a labourer, he works hard and willingly. My 8s. wages will purchase for me labour sufficient to produce 10s. worth of crop; but with a pauper my 5s. paid will be a loss; for all the labour such a man will do won't be worth half a crown. With independent labourers, the more I have, in moderation, the more I make; but for the paupers, the more I have the more I lose; I will employ as many of the former and as few of the latter as I can. Ten independent labourers would do me more good than five; while of paupers, five would be more desirable than ten." John Baldock, Esq. of Burwash, states: "The surplus labour has been almost entirely absorbed by individuals expending part of the moneys (which under the old system would have been paid in poor-rates) in the employment of additional labourers."

"In extremely pauperised parishes it may be assumed," says Mr. Power, "that the whole difference saved by the farmer" (and the saving seems generally to have been nearly 50 per cent.) "in poor-rates will be applied to the employment of additional labour." Hitherto the land had been imperfectly cultivated. "Neither must this advantage be considered as one of temporary operation: a present additional outlay on labour gives not only present employment, but generates sources of employment hereafter. If land is ploughed twice instead of once, or a process of under-drainage effected, there will be more corn to be reaped and housed, more bulk to be thrashed, more grain to be carried to market, more manure to be prepared, carted, and spread." Again, "paupers would now no longer be hired in gangs to stub woods, empty ponds, effect drainage, or dig land under contract with the parish for half the value of their labour. These operations, for the future, would be carried out by the independent labourer." Again, "the whole of the road-work in the counties above mentioned" (Essex, Cambridgeshire, and part of Hertfordshire), "together with the incidental parochial public improvements, must hereafter be done by independent labourers instead of paupers, as was universally the case heretofore. . . . There is at once a large mass of employment thrown open to the competition of the independent labourer, at a better rate of wages than has heretofore been paid for it."

In Farningham union Mr. Neame, the chairman, attributes the larger amount of employment to the increased ability of agriculturalists, arising from a reduction of about £8000 in the poor-rates within the last year. One man in Lenham (Hollingbourn union, Kent), who formerly did all the work on the farm himself, "now employs a labourer, because the rate is so much reduced." Several farmers are reported as

saying, "I have gained £100 by the union this year." "What have you done with it?" "Why, sir," is the usual reply, "I laid it out on the farm; what else could I do with it?"

IV. The surplus labour also was being absorbed to some extent by the development of small enterprise on the labourers' own account.

Thus Mr. Robert Trotter, J.P., chairman of the Cuckfield union, wrote: "I also find labourers very anxious to obtain small allotments of land. I have commenced giving some this spring (1836), and have now 14 or 15 allotments, varying from half to one quarter of an acre. They are very industrious in cultivating them, and I shall have many more next year. Mr. Allen, of Lindfield, also informs me that he finds the men eager for small pieces of land who formerly were indifferent about it, saying, "The vestry will not relieve us if we have a piece of land." Mr. Wildman, the chairman of the East Ashford union, also testified to the increased diligence of the labourers, adding, "They fill up their vacant time by working gardens for themselves."

V. Labour also has been absorbed by acquiring new capacity; in other words, it has been transmuted from a valueless to a valuable condition in a great variety of ways. "Labour can now be employed," says one farmer, "without constant superintendence. You give your orders and go away to some other point on the farm, and when you come back there is a fair chance of your orders being carried out." Naturally more men can be employed under such conditions. The pauper working on the road had formerly been a terror to all respectable citizens. To bully was the best means of gaining an increase of income. Now they have learned the necessity of being civil and obliging. The superintendence of employers has been made easier, and the mutual relation of employer

and employed has been more readily undertaken by the employer as well as the employed. Mutual exchange of services is begetting the natural feeling of kindness, which the arts of mendicancy on the one hand, and compulsory rate-paying on the other, had, under the old system, entirely destroyed.

VI. With regard to the rising generation, parents were beginning to think about the future of their children. "Under the old system, lucky was the man who could display the greatest number of ragged and dirty children before the eyes of the pitying overseer. . . . A farmer formerly never dreamed of instructing his sons in the various duties of their agricultural calling. The man who can dig a ditch is frequently incapable of making the hedge which is to protect it; one man is skilful at threshing, whilst another can only mow; too many, in fact, are deplorably uninstructed in those numerous little arts which render a labourer what is called a 'handy fellow,' and which ensure him constant employment at all seasons of the year."

VII. This argument is merely a negative one. The improvement and the increased amount of employment must not be referred to favourable seasons and other expansions of trade. The season, it is true, had been highly favourable, but the plentifulness of employment had not been owing to the good harvest or to similar causes of an increased demand for labour, as had been alleged. Nor could it be admitted "that the increased amount of employment . . . can account for the sudden and universal disappearance of the applications 'to be paid for lost time.'" This latter practice, we know, had coexisted in full vigour with the most abundant state of employment. "Otherwise it would not have happened, last harvest, that the wheat was rotting in Rochford hundred and other southern hundreds of Essex for

want of hands to reap it at 21s. and 24s. per acre, at the very same time that able-bodied healthy men were lying under the hedges, with a parish allowance of 3s. per week, in another part of the same county, not at that time under the operation of the new law."

The spirit of pauperism, artificially produced by ill-considered laws, had for long set at defiance the beneficial influence of the market, which would otherwise be perpetually distributing labour to its own advantage. Even in places where the new law had been brought into force, the old servile *adscription* to the soil was not easily dissolved. Mr. Hawley, for instance, reports: "Some few have taken advantage of the liberal offers of the manufacturers, from West Sussex, and are delighted with the fortunate change which has been wrought in their condition; but with the most ceaseless efforts on my own part, aided by the endeavours of the guardians of the several unions, we have never been able to induce a single family to move from East Sussex, though the most favourable accounts have been brought back by paupers who have from time to time been sent up to Manchester for the purpose of reporting to their fellow-paupers. This apathetic feeling may in some measure be traced to a rooted antipathy to locomotion, which nature seems to have implanted in the breast of the Sussex labourers, and partly, I suspect, from a conviction that there is work for them at home, if they choose to exert themselves to obtain it."

This last surmise Mr. Hawley justified by the further observation: "Absorption has thus been proved to have been extensively carried into effect by local means, without any extraneous agency. . . . To one accustomed to make observations formerly, an almost magical change of system is perceptible: the lazy groups of paupers who heretofore infested the highways, or thronged the gravel-pits, have totally

disappeared; one nowhere now meets the indolent, tattered, parish bird, who, leaning on his hoe, with insolence and suspicion in his eye, made it a practice, either by word or gesture, to insult every respectable person who passed him; but in his place the independent labourer is employed on the necessary repairs of the roads."

In further illustration of the fact that the abolition of the abuses of the Poor Law, and not an abundant harvest, has been the cause of the improvement, Mr. Power relates how, owing to the objection of the authorities of the Peterborough union, he had been unable to include the parish of Whittlesea in that union. It was accordingly left under the domination of the old law. Whittlesea is stated to be only six miles distant from the centre of the Peterborough union, yet, instead of partaking in the improvement to be observed in that union, Mr. Power has no hesitation in reporting that it is "worse pauperised and worse conditioned at this present time than any parish I have ever seen or heard of." . . . "I cannot, then, reconcile it to my own experience of facts, that the bulk of the late harvest, or the existence of general abundance of employment, has had much to do with the diminution of able-bodied pauperism."

VIII. The surplus labour was further affected by wiser economic expenditure. Throughout the reports there is evidence that the profits of beer-houses tended to decrease. Thus in Mr. Tufnell's report (II., p. 206), the chairman of Thanet union states: "Beer-houses have diminished, not in number but in business." A publican in one of the dispauperised parishes has "now so little to do that he has purchased a donkey and cart with a view to obtain employment as a carrier, and thus make up the deficiency in his resources." The chairman of the East Ashford union says: "A beer-house in Wye parish was closed within one week

after relief was given to the paupers in kind, nor has it been opened since." A distiller in Penshurst is reported to have answered the question, "Have these societies (*i.e.* temperance societies) hurt your trade?" "Oh no," he said; "but I tell you what has—your confounded new Poor Laws." The surgeon of the Milton union reports the following conversation:—"The publican to the spirit merchant, 'I say, sir, we had a house full of people on Saturday night, and before that rascally Poor Law came into operation we should have taken from such a company £5, but we took but 25s.'" In Romney Marsh union a respectable labourer, observing the change, is reported to have made the following reflection:—"Thinks I, you must now do as I have always been obliged to do: you must consider whether you can afford to pay for a pot of beer before you drink it!"

This consideration should be taken in connection with Mr. Chadwick's statement (Paper reprinted from *Edinburgh Review*, 1837, "Principles and Progress of Poor Law Amendment Act," p. 14):—"Another conclusion indicated by the inquiries of the Poor Law Commissioners, was that the wages of the great bulk of the labouring population throughout the country was rather in advance of their capacity to apply them than below it; that is to say, that their social and intellectual condition, from neglected education, was such as to render it questionable whether an increase of wages to any considerable extent would not be injurious, as being equivalent to a proportionate increase of drink." It is, in truth, the necessity to save and to provide for sickness and old age—in other words, the responsibilities of a civilised being—that weans men from too profuse an expenditure on drink and merely animal gratification. The Poor Law is apt to remove these responsibilities, and so to result in a neglect of that practical economic education which is

so necessary to the emancipation of an unpropertied class.

IX. Mr. Gilbert gives an interesting account of the way in which the surplus labour in Bledlow was dissipated. The incident illustrates very clearly the disastrous confinement of the old system, and the difficulty of inaugurating that wider migratory movement which the situation so urgently required. A recital of it here will not be out of place.

Before the passing of the Act, Bledlow, Bucks—afterwards (25th March 1835) included in the Wycombe union—was heavily sunk in pauperism. With a population of 1135 it had an average Poor Law expenditure of £1857 per annum. The farmers were giving up the land, and industry was at a standstill. A petition from the paupers of the parish was received by the Commissioners[1] late in the evening. Mr. Gilbert, Assistant Commissioner, arrived in the parish next morning at nine. He found the whole management in a state of disorder; the men lying about on the roads or poaching in the woods. Robberies had taken place. The overseer's ploughs and agricultural instruments had been frequently damaged in the night, and a bullet had been fired into his house. The vestry was paralysed. The parish was in the control of the able-bodied paupers. At Tring, 15 miles distant, work had been provided for the paupers, but, despite all the efforts of the parish authorities, not a man would move. On Saturday night they went to the overseer and received relief. They came to the Assistant Commissioner and desired he would do something for them.

[1] This pathetic document is printed in the First Report, p. 347. "We have looked for work in vain; . . . when we leave our parish in fruitless search, we are deprived of the little allowance which the parish gives us. . . . We do not presume to impute blame to any person. . . . The magistrates and the overseers say they can do nothing, and we believe them. . . . We know not where to apply for relief, but all send us to you; we most earnestly implore it at your hands." Signed by 32 paupers, heads of families.

He asked what they wanted. They replied—More weekly money, 2s. or 3s. a week more. Were they willing to work? They replied, they had already worked on the roads; that is, says Mr. Gilbert, they had lain under the hedges.

They would not, they said, work out of the parish, but they were willing to work in the parish. The Assistant Commissioner recommended to the authorities, as a temporary expedient, spade work, to be paid by the piece. This occasioned much grumbling, more especially when half the relief was paid in kind. Meantime the Central Board of Commissioners reported that situations at 30s. a week for three years were open for these men in the north. Mr. Gilbert in person made this offer known from house to house. At first not a single pauper would move. After many visits he at last succeeded in persuading one family. An engagement was made for three years, at 30s. for first year, 35s. for second year, and 40s. for third year, a week. This family in Bledlow had been earning, or rather receiving, 7s. a week from the parish. By degrees other families consented to move. Situations were found for 83 individuals, who were all engaged at good wages in the different manufactories.

In the First Report of the Commissioners there is published some interesting correspondence with regard to these migrations.

In June 1834, Mr. Edmund Ashworth, of Turton, near Bolton, a member of a well-known Quaker firm of manufacturers, wrote to his "Respected Friend, E. Chadwick,—I take the liberty of forwarding for thy consideration a few observations on the proposed new Poor Law Bill." He reported that there was in Lancashire full employment, an advance of wages, and a scarcity of labourers. Under the old law, he pointed out that if any enterprising family left their parish they lost the relief they were receiving; if on arriving

at Lancashire they did not find employment at once, they had to apply for relief, and were then removed to their own parish at its cost. This made overseers discourage families from seeking to migrate, and thus the parish pay was converted into an unbreakable fetter. A practice had prevailed in the north, he says, that when a millowner was short of workpeople he applied to the overseers in the neighbourhood. Of late this application had been of no use, for not an overseer in all Cheshire could be found willing to allow a family to leave his parish, because they were beginning to be short of labourers themselves. He accordingly recommended that the Commissioners should give facilities for migration from the south.

Mr. Robert Hyde Greg writes from Manchester (17th September 1834) to the same effect. After referring to the congestion of labour in the south, and the unsatisfied demand for labour in the north, he remarks: "But for the operation of the Poor Law in binding down the labourers to their respective parishes, in the mode and to the degree I need not attempt to explain to you, of all men, there would have existed a free circulation of labour throughout the country, to the benefit alike of the northern and southern parts. Nothing but the Poor Laws prevented this circulation, or could prevent it, short of the labourers being reduced again to the state of *adscripti glebae.*"

In February 1835, we find Mr. Ashworth writing again to Mr. Chadwick, acknowledging receipt of his letter and the published account of the 32 poor families of Bledlow. "I wish they were here," he says, "or as many of them as are reputable and willing to work; they would very soon find employment and improve their condition." He goes on to urge that the Commissioners should sanction a reasonable outlay for promoting a beneficial migration

of the population. He also makes the interesting statement that though there is an immense immigrant population from the north of England, Scotland, and Ireland, (places where the Poor Law was either more or less inoperative or non-existent), he only knows of one migrant from the country south of Derbyshire, a bricklayer from Northamptonshire, so effectual had been the imprisonment of labour occasioned by the Poor Law. While this letter was being written, a gentleman from Bledlow came in and obtained his (Mr. Ashworth's) sanction to bring two or three families. The experiment was made, and a subsequent letter from Mr. Ashworth gives a satisfactory report of the result. The elder men were, he said, unable to take situations connected with manufacturing processes, but they obtained employment as farm-servants or gardeners in the neighbourhood. The younger men, the women and children, obtained work at a remuneration far in advance of anything they could have hoped to receive in their old home. The first arrival, for instance, was the family of Joseph Stevens, consisting of a wife and seven children, four of them of working age. Previous to their removal they earned from 12s. to 15s. a week; the man and his four children were now earning 28s., with a prospect of increase every year. The immigrants were kindly received by their fellow-workmen. The arrival of these and other labourers had not reduced wages at all; on the contrary, their employment had made the industry of the district more effective, and increased the prosperity of the district as a whole.

Mr. Beard, of Cranfield, Bedfordshire, writes, 7th July 1835, from Hope Hall, Manchester, where he was apparently paying a visit, to report a satisfactory migration from his parish to Mellor, near Stockport, where the south country labourers and their families were given work at Mr. Arkwright's mills. He urges

the necessity of supervising this migration generally, as some families had arrived before proper provision had been made, and it was highly desirable to prevent such miscarriage in the arrangement as might create a prejudice against this most beneficial dispersion of the labour of congested districts.

Dr. J. Phillips Kay (afterwards Sir J. P. Kay-Shuttleworth) furnished the Commissioners with a most elaborate report *On the Migration of Labourers from the Southern Rural Counties of England to the Cotton District of Lancashire.* He begins by computing "to what extent the unregulated and (if I may so speak) fortuitous immigration into Lancashire has, for many years past, proceeded." The population of Lancashire in 1700 was 166,200, in 1750 it had increased to 297,400. In 1801 it had risen to 672,731, and in each succeeding cycle of ten years it had grown as follows: In 1811, it was 828,309; in 1821, 1,052,859; and in 1831, 1,336,854. The rate of increase in each decennial period from 1801 had been 23·13 per cent., 27·10 per cent., and 26·97 per cent. Extending his calculation to the whole country, he shows that while the increase of population in Lancashire between 1700 and 1831 was 800 per cent., the West Riding of Yorkshire, which comes next, had only increased 412 per cent. in the same period. Dividing the counties into agricultural, manufacturing, and metropolitan, the increase had been 84, 295, and 147 per cent. respectively. From 1750 to 1800, he estimates that the immigration into Lancashire from the rest of the country must have been at the rate of about 4000 per annum. From 1801 to 1811 it rose to 4500, then to 8800 from 1811 to 1821, and from 1821 to 1831 it increased to about 17,000 per annum. A great portion of this influx naturally came from the adjacent counties. An emigration from Derbyshire, on the failure of the mining industry, had

taken place some years back, but the discovery of some rich mines and the introduction of improved machinery had given a favourable turn to industrial prospects, and that county seemed likely to retain its native population. The growth of the worsted, woollen, and flax industries in Yorkshire, Dr. Kay argued, made it improbable that population would flow to the Lancashire industries from that quarter. Cheshire and Wales had in times past contributed a contingent, but few or none had removed from any counties south of Derbyshire or Staffordshire.

Large numbers had in recent years come from Ireland: these and their descendants he computed at about 150,000. While expressing the most sincere commiseration for "that gallant but degraded race," Dr. Kay was of opinion that this large influx from a lower level of civilisation had been a misfortune. The general opinion of the manufacturers was that the Irish labourer had less perseverance and business aptitude than the Englishman of the same class. The Irish, accordingly, had drifted into the inferior and worse-paid occupations. "For skilled labour, the English are universally preferred, and after them the Scotch." He regarded it as a misfortune that the prevalent administration of the Poor Law had checked emigration from the southern counties of England. A greater admixture of this element would have prevented many of the untoward results of the Irish invasion.

Dr. Kay, after thus showing that the supply of labour capable of becoming skilled labour was not likely to be supplied from adjacent counties or from Ireland, proceeded to compute what number of persons were likely to be required within the next few years. Machinery to the extent of 7507 horse-power had been or was being erected, and it was calculated that six mill hands would be required for each horse-power.

The necessary complement of mechanics, labourers, etc., would amount to as many more, that is, in all, a population of 90,084. From what source, he then asked, would these 90,084 units of labour be supplied? First, he hoped that many of the local handloom weavers would embrace the opportunity to relinquish a decaying industry. The unwillingness of the handloom weavers to enter the mills was well known, and at the moment of his report there had been a temporary revival of the handloom trade. He feared, therefore, that the handloom weavers might continue "unwilling to surrender their imaginary independence, and prefer being enslaved by poverty, to the confinement and unvarying routine of factory employment." The natural increase of population would undoubtedly be insufficient to supply all the labour required for the projected expansion of industry. He recommended, accordingly, that the Commissioners should appoint a suitable agent to form a means of communication between the millowners and the Assistant Commissioners in the south. The parish in the south must, he thought, pay for the journey of the emigrant, and his employer must enter into a suitable contract with him and provide him with a cottage, and with money to furnish it. After a period he would be in a situation of comparative comfort and perfect independence.

"Agreeably with the instructions of the board," he continues, "I have visited the manufacturing establishments to which a migration of families of English labourers has recently taken place from the southern counties of England; a more gratifying tour I never performed, as nothing could be more cheering than the gratitude which the immigrants universally expressed for the change which the Commissioners had accomplished in their condition." The families were settled for the most part in the country districts, under conditions which he describes in favourable terms.

In an elaborate table he computes the weekly earnings and parish allowances of 25 persons and their families in their old home in Bedfordshire and Buckinghamshire, and compares them with the sums now earned by the same families in their new home in Lancashire. They were now earning £28, 2s. 6d. per week, where formerly they were only receiving £9, 16s. 1d., and they had every prospect of improving their position.

The emigration had thus nearly trebled the earnings of the several families; and "if to this substantial benefit be added that they have universally better cottages, cheaper fuel and clothing, and kind masters, some idea of the benefit they have derived from the change may be attained." And the Assistant Commissioner adds: "It is certainly grateful to a benevolent mind to have (with whatever partial mingling of ills) to offer so great a boon as thrice the amount of the present earnings and parish allowance of the southern labourer; independent labour for pauperism; abundance for starvation; a home of comfort for a hovel of wretchedness."

The emigrants above mentioned came from Bledlow, Bucks; Princes Risborough, Bucks; and Cranfield, Beds. The Assistant Commissioner expresses himself in favour "of constructing a plan for affording, with due caution, facilities to the southern workmen to offer their labour to the cotton district of Lancashire. My remarks will tend to show that the Commissioners would sufficiently promote this object by removing those unnatural obstacles to the free migration of labour created by the perversion of the Poor Laws, and by diffusing that information which this pernicious state of things had shut out from the rural districts of the South of England."

CHAPTER X

THE ABSORPTION OF A SURPLUS POPULATION—*continued*

The dispauperisation of the able-bodied, not accompanied with undue hardship—Mr. Tufnell's evidence—The Reports of the migration agents, and of the emigration agent—The restoration of the mobility of the labouring population—Mr. Scrope's argument re-stated—Its modern application.

In the Second Annual Report the subject continues to engage the attention of the Commissioners.

Throughout the reports of their Assistant Commissioners there runs the same statement of fact, namely, that the alleged surplus population was really an artificial creation of the Poor Law. Thus Mr. Tufnell, the board's representative in Kent, reports the remarks of the chairman of the Milton union. "We thought," he says, "that we should want workhouse room for 500 able-bodied, and for 1000 of the other classes; it turns out that we have no able-bodied males, not enough females to do the work of the house, and only 105 inmates altogether." Previous to the formation of the union, there had been 1900 persons in receipt of relief. Mr. Tufnell's predecessor, in recommending the union to build a workhouse, had remarked: "Of this number not one-half, it is expected, will come into the workhouse." Experience, says Mr. Tufnell, has shown that one-nineteenth would have been a truer estimate.

In further proof of the ability of the pauper population to find an economic maintenance for itself, he appends the following table:—

Names of Unions.	Number of Able-bodied Male Paupers at the Period of their Formation.	Present Number of Able-bodied Male Paupers, 20th August 1836.
Ashford (East) . . .	527	...
Ashford (West) . . .	241	...
Blean	228	...
Bridge	260	...
Eastry	497	...
Elham	339	1
Faversham	439	1
Milton	252	...
River (since dissolved) .	134	2
Romney Marsh . . .	157	...
Sheppey	92	...
Thanet, Isle of . . .	346	1
Total . . .	3512	5

Mr Tufnell, however, is not satisfied with statistics, which may be met with the obvious remark so familiar to all Poor Law reformers.[1] "It presents no very agreeable picture if we reflect that the large reduction in the number of paupers may have been brought about by driving them to die of starvation, or live by fraud. The lessening of the taxation of the county to the amount of £150,000 per annum may appear anything but beneficial, if it is so much subtracted, uncompensated, from the pockets of the poorer classes. Therefore it becomes an essential point of the inquiry to find out what has become of those persons who were formerly supported by the poor-rates."

To satisfy himself on this point, the Assistant Commissioner sent out letters of inquiry to some 87 parishes. "The almost universal answer was, that those who were receiving relief had found work and were supporting themselves by their own exertions.

[1] Cf. the Right Hon. J. Chamberlain's letter to Mr. Loch, 26th November 1891. "Such reduction (*i.e.* a proposed reduction of out-door relief) would probably be accompanied by an appreciable increase in the deaths from starvation."—*Times*, 28th January 1892. The answer given by Mr. Loch to Mr. Chamberlain's objection does not differ materially from that given by Mr. Tufnell to a similar objection raised in 1836.

Those who had left their parishes were so small in number as hardly to deserve mention, while there was one, and only one, confession of distress having been produced; this was in the small parish of Stodmarsh, from whence this question as to what had become of their able-bodied paupers is answered thus: 'One, who is single, is in service, the other two are married men; one is in regular employ, the other is occasionally employed, but I have reason to think he has been in distress.'" Not content with the official answers to his inquiries, Mr. Tufnell made it his business to seek information on this point from the chairman, magistrates, relieving officers, etc., of the various unions of Kent, and he felt justified in saying that unless his informants have entered into a well-combined conspiracy to support an untruth, the new Act is operating with "a supremely beneficial effect" on all classes of the community.

Sir John Tylden, chairman of the Milton union, for instance, related how the guardians had sent a labourer to Manchester to report as to the opening there for south county labour. His report was favourable, but not one family has made application to go. On the last board day there was not a single able-bodied male pauper in the house. "It is therefore fair to presume that all the class alluded to have found work."

Mr. Denne, the chairman of the Romney Marsh union, stated that "the apparent surplus of labour has, in almost all cases, been produced by the operation of the billeting and roundsmen systems, and payments from the rates in aid of wages; and also, of course, by the improvidence of the labourers, who relied on their own right to 'work or relief' in their own parishes." About 8 miles distant, at Dymchurch, there was a considerable demand for labour on the sea-wall, yet previous to the declaration of the union none of the able-bodied paupers had thought fit to go in search of it.

Evidence of a precisely similar character is furnished by Mr Hawley from Sussex. In 14 enumerated unions in Sussex the numbers of the unemployed had fallen from 4729 before the introduction of the Poor Law Amendment Act, to 109 in the first week of June 1836. In this county the valve opened by emigration has partially assisted in removing the pressure. The Earl of Egremont, at his own charges, had sent some 50 individuals to North America and elsewhere. Two causes operated to prevent emigration—one, the natural love of home, a legitimate and lasting influence; the other, parochial relief, which the Assistant Commissioner observed was an artificial obstruction in course of being removed by the operation of the new Act. A quondam pauper of the Lewes union sought his fortune in New York, and wrote to urge his father and his old associates to follow his example, "but," he added, "I don't expect to see any of the Lewes bricklayers out here, for they won't come unless they can bring the hills and the parish along with them."

The second report contains communications from Mr. Muggeridge and Mr. Baker, "migration agents to the Poor Law Commission," on home migration to the counties of Lancaster, Chester, and Derby, and to the West Riding of Yorkshire.

The report of Mr. Muggeridge is interesting. It begins by remarking on the abuse that was almost inevitable when boards of guardians were permitted to deport their more troublesome paupers. With a few honourable exceptions, says Mr. Muggeridge, there was a disposition on the part of boards to make a very improper selection of families and individuals for migration. This abuse of their powers by local authorities had induced employers to negotiate only through the agents of the central authority. Being apprehensive that ill-will might be created against these immigrants, Mr. Muggeridge had been at pains to scatter them in

different localities, but he is glad to state that his apprehensions had been unnecessary. The strangers had invariably been well received in the districts to which they had gone, and this with good reason. For the expansion of industry, rendered possible by the new population, increased prosperity and the demand for labour throughout the whole neighbourhood. More especially, the work of the women and children gave rise to a larger employment of adult male labour. The following tables give an interesting view of these migrations, in so far as they were conducted under the supervision of the agent of the Commissioners. Of the spontaneous migration which had taken place the agent can give no estimate. It had been considerable.

ANALYSIS OF NEGOTIATION REGISTER, 20TH JULY 1836.

	Families.	Comprising Persons.
Total number for whom offers of employment have been obtained and transmitted . .	435	3454
Of whom have arrived at their new locations .	329	2673
On their journey down, or for whom negotiations are going on	43	383
Refused to migrate after offers of employment had been obtained for them . . .	63	398

ANALYSIS OF LOCATION REGISTER, 20TH JULY 1836.

Counties from whence Migrated.	Number of Families.	Number of Individuals.	In which Counties Located.	Number of Persons.
Bedfordshire .	18	144	Lancashire . . .	1223
Berkshire . .	13	120		
Buckinghamshire	47	414	Cheshire	760
Cambridgeshire .	5	49		
Dorsetshire . .	1	9	Derbyshire . . .	339
Essex . . .	4	40		
Hampshire . .	4	37	Yorkshire . . .	163
Kent . . .	5	48		
Middlesex . .	1	3	Staffordshire . .	74
Norfolk . .	10	96		
Northamptonshire	1	8	Somersetshire . .	18
Oxfordshire .	17	141		
Suffolk . .	184	1464	Warwickshire . .	57
Sussex . .	14	66		
Wiltshire . .	5	34	Westmoreland . .	39
	329	2673		2673

This interesting but comparatively unimportant movement of the population was less than it otherwise might have been, because the agent had felt bound to proceed with great caution, feeling as he did that any miscarriage in his arrangements would do much to arrest the beneficent circulation of labour which the emancipation brought about by the new Act would now allow to flow spontaneously.

The offer of employment at a distance was often declined, and the unwillingness of paupers to migrate without doubt stimulated their energy in finding work at their own homes. Thus arrangements were entered into for taking 20 young people from the union workhouse of Milton, in Kent, to be maintained and employed by "the highly respectable firm of M'Connel & Co." for three years at one of their factories, "beautifully situated at Cressbrook, adjoining the healthy and far-famed Monsal Dale, in Derbyshire." When the time came, however, the guardians found that work had been procured for most of the young people, and the friends of the others raised objections, so that instead of sending 20, the guardians were not in a position to send a single emigrant. Very elaborate arrangements were made for the care of these orphan and friendless children. The guardians were required to send a man and his wife, or a matron, in charge of any young people who had lost their parents and were without other natural guardians. Employment was guaranteed till they reached the age of 20. The agent drew up for the information of the guardians a long list of requirements, descending even to such particulars as the necessity "of protecting themselves by flannel under-garments." The journey from London to Manchester was to be made by canal-boat or by waggon, and agents of the Commissioners were employed to meet and assist them on their journey. Deputa-

tions of labourers were sent by the guardians of some unions to see for themselves the improved condition of the migrants, and brought back favourable reports. Mr. Austen, the rector of Pulborough, Sussex, writes to announce the safe arrival of Widow Smith and family, Ben. Hayler and family, and Wm. Parsons and family at Congleton. The carrier had journeyed six days to Congleton and five days on the return. He had also gone on to Hollingwood, and there had seen an earlier emigrant, G. Hayler, and his family. He found them on Sunday evening "reading their Bibles, and all clean, well dressed, and comfortable; and he has brought back a most satisfactory account of the three parties and the work and the wages." G. Hayler, asked why he had not written to his friends at Pulborough, replied that he had been so much abused by the Pulborough people for coming to Manchester that he would have nothing to do with them.

A similar communication to that of Mr. Muggeridge was forwarded by Mr. Baker, the Commissioners' migration agent in Yorkshire. His operations had been on a smaller scale; 92 families, comprising 814 persons, had migrated from Norfolk, Essex, Cambridge, Suffolk, Berks, Beds, Wilts, to Yorkshire, where they have obtained employment in cotton, worsted, silk, and flax spinning, agriculture, and coal getting.

This section of the report concludes with an account furnished by Mr. Pinnock, Government Agent-General for Emigration. Under his auspices, 494 adults, and 353 children under 14, had been sent to the British Colonies of North America, at a cost of £4634, 13s. Emigration was also promoted by the parishes themselves, and the following table will indicate the extent to which this form of relief had gone :—

SUMMARY OF STATEMENT of the Number of Persons who have Emigrated, etc., under the Sanction of the Poor Law Commissioners between June 1835 and July 1836.

County.	Number of Parishes.	Number of Emigrants.	Amount Ordered to be Raised or Borrowed.		
			£	s.	d.
Bedford	2	18	215	0	0
Buckingham	1	25	100	0	0
Berks	1	30	150	0	0
Cambridge	3	39	201	0	0
Huntingdon	2	27	200	0	0
Hants	11	182	1,068	14	0
Kent	18	320	1,823	9	3
Lincoln	1	17	100	0	0
Middlesex	1	88	860	0	0
Northampton	2	23	135	0	0
Norfolk	91	3068	15,198	10	0
Oxford	2	11	40	0	0
Somerset	2	11	50	0	0
Sussex	17	248	2,032	7	4
Suffolk	32	787	4,198	0	0
Wiltshire	5	347	2,042	0	0
Total	191	5241	28,414	0	7

In the following year, the number of emigrants was 501 adults over 14 years of age, and 611 children. In the year ended July 1838, the tale of persons emigrating continued to decrease, amounting only to 383 persons over 14 years of age, and 369 children. On this scale emigration, assisted by the Poor Law authorities, continued, but at no time has the distribution of the population been largely affected by this means. The estimate of the Duke of Wellington with regard to this portion of the Bill seems to have been fulfilled.

In closing this somewhat lengthy narrative of the absorption of the able-bodied labourer into the economic system of free contract, we pause for a moment to emphasise the teaching of that experience. It is part of the proof of man's capacity for independence. Poor Law reformers of the present generation are labouring

to convince the Legislature that this capacity is not confined to the able-bodied period of life, but is equally applicable to all periods. We noticed in an earlier chapter the argument of Mr. Poulett Scrope, that if the Poor Law would only provide work for all able-bodied persons, the Legislature could safely leave the old and the impotent to themselves and to the care of their able-bodied relatives. His advice was happily disregarded. The able-bodied population in the southern and most pauperised counties was thrown on its own resources, and, almost in the first year, the whole so-called surplus population was absorbed. The change represents a social revolution. Mr. Scrope denied the power of the able-bodied man to find work and maintenance for himself. History has proved that this portion of his argument was unfounded.

The admission contained in his argument is, however, of the greatest importance. Events have proved his main conclusion to be false. It remains for the Poor Law reformer to insist on the admission which he then made. He maintained that if the able-bodied were independent, the Legislature would not be called on to make any large effort on behalf of the aged, the sick, the widow and the orphan. The independence of the able-bodied was a guarantee that those dependent on them would be cared for. In the more modern controversy this contention has been expanded, and may be summed up generally in the proposition that the able-bodied period of life is equal to maintaining the not able-bodied period. The responsibility of the able-bodied man must not be narrowed down to cover the period of his own working life only, but must be extended to take in his times of sickness and old age, and the dependent period in the life of his family.

This anticipation of the course of our history is introduced to arrest the attention of the reader on a

point to which it will be necessary to return, as well as to show the continuity and identity of the problem. The transference of the population from a condition of servile and parochial status is still incomplete. Has the economic system of contract, private property, and exchange reached the limit of its power of absorption? Those Poor Law reformers who at the present day restate this portion of Mr. Scrope's argument insist that further progress is possible. Further progress, in their view, depends on two conditions: the absorbing power of a free economic society, a condition which they believe is secured; and, secondly, a willingness on the part of the democracy to disintegrate still further the remaining inducements to parochial immobility and servitude. History seems to show that an active absorbent power emanating from an economic society is not in itself sufficient to effect the emancipation of a class which has long been inured to the benefits and restraints of servitude. Progress demands that, even at the cost of some individual suffering and hardship, the dependent population which still lingers among the flesh-pots of a condition of status shall be gradually but firmly detached from their present mode of life, and exposed to the bracing and emancipating influence of economic freedom.

At present the condition of the able-bodied does not constitute a very serious problem. There is no "unemployed" difficulty so pressing as to warrant us in revolutionising the whole of society; the question which presses for solution is rather, What fund is to bear the burden of maintaining those who are not able-bodied?

If the necessary sum is to be deducted by taxation from the incomes of the solvent population, its distribution will be costly, only a small proportion of the sum raised will be devoted to the object desired. A vast superstructure of regulations is necessary to

prevent abuse. Further, the amount, such as it is, will be taken from the fund by which industry is fed.

If, on the other hand, the burden is left on the individual and his family, its distribution is effected automatically, there is no cost of administration, the necessary sums are accumulated by a sparing consumption of some of the superfluities of life. The burden would thus seem to fall and to adjust itself so as to inflict the least injury on the expansive forces of our social economy. As Mr. Chadwick argued, in the passage quoted in an earlier part of this chapter, the expenditure of the pauper is often unwise. Both economically and morally the obligation laid on the poor man to provide for the periods of unable-bodied life which are dependent on him is a blessing in disguise. The greatest crime ever perpetrated by the Legislature was to deprive him of this benefit, and the greatest obstacle to his progress is the remnant of that fatal error which still is left.

The most practical consideration of all, which should be decisive of leaving the responsibilities of life to be met by individual exertion availing itself of the recognised tenures of property, is that this solution is successful over an area which every year is increasing, while communism of responsibility has everywhere ended in failure. The more elementary the want, the more essential it is to leave it to be satisfied by individual exertion. Men begin to detach themselves from the proletariat life by small and gradual steps. A step taken to cover the risk of sickness has often a result quite out of proportion to its immediate object. It puts a man in possession of a fund which may protect him not only in sickness, but in other risks as well. It suggests to him methods of organisation which lead on to the successful discharge of other responsibilities. The collective provision for these contingencies has, on the other hand, a distinctly

uneducating influence. It puts no check on man's natural tendency to create responsibility, and it suggests to him a way of satisfying his wants which is burdensome to his neighbours, and ultimately destructive of the social fabric of which he is a part.

CHAPTER XI

THE OPPOSITION TO THE ACT IN TOWN AND COUNTRY

The progress of the Act—Riot at Chesham—Complaints from rural parishes—Unscrupulous misrepresentation—Marcus on Populousness—Opposition in London—Spitalfield silk-weavers—Stoke-on-Trent—Nottingham—Huddersfield—Todmorden—Bradford—Resolutions in support of the Act.

The general state of the country during 1835–36 seemed to the Commissioners extremely favourable for the introduction of the new measure, and they pushed on their work apace. They obtained leave to increase the number of their Assistant Commissioners to 21, and hoped that by midsummer 1837 they would be able to bring the Act into operation in every part of the country where their progress was not impeded by the existence of Gilbert incorporations or some local act.

The following shows in statistical form their rate of progress :—

Periods.	Number of Boards of Guardians.	Parishes.	Population.	Amount of Poor-rate.
To 8th Aug. 1835 .	115	2069	1,385,124	£1,221,543
From 8th Aug. 1835 to 10th Aug. 1836 .	250	5846	4,836,816	2,690,695
Total . .	365	7915	6,221,940	£3,912,238

The population comprised in the new unions was 45 per cent. of the whole population of England and Wales. As already stated, the more heavily burthened

districts had been treated first, the rates therefore expended in the parishes united amounted to 65 per cent. of the total expenditure for the relief of the poor.

This progress had not been made without opposition. It was not to be expected that the expenditure of a sum as large as 7 millions per annum could be touched without offending a vast number of persons. Nothing but the direst necessity could have induced any large class of persons to welcome this revolutionary measure. In the more pauperised districts the support of public-spirited men overbore opposition; but in places where abuse was not rampant, local support was more lukewarm, and even in parishes where the rates pressed heavily, conscientious or eccentric scruples occasionally provided the opposition with respectable leading. The subject also lent itself readily to inflammatory agitation. Even in those southern rural districts, therefore, riots and disturbance took place.

A brief description of the riot at Chesham, in the Amersham union, will be sufficient to indicate the character of the opposition offered in a rural parish.

On Saturday, 23rd May 1835, some of the magistrates and guardians, members of the Amersham union, attended at the old parish workhouse of Chesham to superintend the removal of some paupers to the Amersham workhouse. Mr. Fuller, one of the deponents, in an account furnished to the Poor Law Commissioners, was at the workhouse by 10 o'clock in the morning; he interviewed the paupers and found them willing to go to Amersham. He then left the house, and, on his return about 11, found a crowd beginning to collect. When the waggons for the removal of the paupers appeared the crowd began to threaten violence. The magistrates and Mr. Weedon, a yeoman and guardian, expostulated in vain with the crowd. Finding remonstrance unavailing,

Mr. Fuller read the Riot Act. The waggon with ten old men and a boy then went out of the gates. It was followed by the crowd, who stoned and otherwise ill treated the paupers, and assaulted Mr. Fuller, who attempted to defend them. The waggon was brought to a standstill about a mile from the workhouse. Mr. Fuller found one of the paupers lying on the road with his hand cut; he himself was struck on the head by a stone. By 1 o'clock all the paupers were back in the Chesham workhouse, and a mob of some 500 persons had assembled. Mr. Lowndes, another county magistrate, sent for the police, who arrived at 1.30 on the morning of Sunday. On Sunday a message was sent to Lord Chandos for the yeomanry. On Monday the magistrates sat all day, heard evidence, and signed warrants for the commitment of the leaders of the riot. The police, to the number of 21, remained in the market-place, and the yeomanry outside the town. The determination of the magistrates, and this show of force, convinced the mob that resistance was useless. On Tuesday the neighbourhood had calmed down, and the paupers were removed. The cause of the riot, it is stated, was not the unwillingness of the paupers to move, for men who had families in Chesham were not removed. The mob was excited, says one witness, by gross misrepresentations: they were led to believe that all the labourers' children, whether paupers or not, were to be taken from them, or at least all who had at any time received relief. The dissatisfaction of the bakers at the contract for bread having been made with other than tradesmen of Chesham, also contributed to the riot.

Mr. Pilkington, an Assistant Commissioner in West Sussex, remarks that the disturbances, with which he had to deal, were rarely in the first instance caused by persons actually in want, but rather by those who, having no honest plea for asking relief, hoped to

revert to the old condition of things by means of intimidation.

In some cases it is stated that the completer adequacy of relief afforded by the new law tended to reassure the malcontents. Thus the first report dwells with some satisfaction on the improved medical attendance provided for the poor. Considerable excitement was raised in the town of Arundel because of the death of an old woman in the workhouse, in consequence, it was alleged, of the neglect of the medical officer. Mr. Pilkington arrived on the scene and formed the opinion that there had been gross neglect. So strong, however, was party feeling that the jury found the medical man guiltless of any neglect, and praised his humanity and attention. The Assistant Commissioner seems, however, to have procured the dismissal of the officer. This decision, he remarks, tended much to allay the angry feeling of the poorer class. The new system had not yet in this parish been put into force, and was obviously not responsible for past miscarriages of administration. It was the object of the new law not only to correct abuses, but to secure an adequate and humane treatment of the poor. The action of the Assistant Commissioners in this and similar cases tended to remove apprehensions.

The question of Sunday leave of absence caused considerable difficulty. The Bishop of Exeter appeared in the House of Lords as the champion of the dissenters' grievance in this respect. The Commissioners, however, set their faces against the "Sunday out,"[1] and urged the alternative of allowing paupers to be visited and preached to by ministers of their own denomination. They set out evidence received from the officials of several metropolitan workhouses, complaining of the disorderly conduct and drunkenness of those paupers who went out on pretence of attending their own place of worship. This accusation was supported by the

statement of the churchvergers, who declared that they had frequently to remove paupers for disorderly conduct in church. "In the Heckingham house of industry," says Dr. Phillips Kay, "this day of sports recurred every week, the inmates being freed from all restraints on Sunday. The paupers had made abundant provision for the enjoyment of this licence; it was found profitable to erect two beer-shops in the immediate neighbourhood, which were usually crowded with paupers on this day. The women had boxes in the neighbouring cottages containing dresses, which, as soon as they were released, they exchanged for their workhouse garb, and, thus attired in more attractive style, flaunted about the neighbourhood with young men." A neighbouring proprietor, Sir E. Bacon, described his woods as the groves, and the workhouse as the temple, of Isis.

A formal petition, signed by some 3000 persons, was presented to Lord John Russell, the Home Secretary, from East Kent, urging that restrictions on the egress of paupers from the workhouse should be removed. As it is, says Mr. Plumptre, who forwarded the petition, "the confinement leads the labourers to call the workhouses prisons, and excites strong feelings in their minds against them."

This petition and letter were remitted to Mr. Tufnell, the Assistant Commissioner in Kent, for his comment. On the above-quoted sentence he remarks: "Were it otherwise, I fear they would call them palaces, as with reference to their usual mode of living they reasonably might, and entertain equally strong feelings in favour of them." Then, after stating that many inmates of workhouses under the new system had expressed their contentment, and recording the fact that he had induced many ladies and gentlemen who had been inclined to impute harshness to the new law to alter their opinion on a visit to one of the new workhouses, he concludes: "These praises, however, always sound

to me fraught with evil forebodings, the realisation of which can only be prevented by carefully keeping up what seems to me our sole barrier against them, a system of restraint."

The opponents of the Bill in the press and in parliament were not always scrupulous or careful in their statements. No poor law or charitable organisation can wholly prevent the suffering and inconveniences which are inseparable from poverty. At times of popular agitation on this subject every reported case of suffering and want is seized on and treated as if it was the direct result of the existing state of the law. The new Poor Law had not removed, and could not remove, the inconveniences of poverty, but the board naturally protested against misrepresentations such as the following, and not unfairly maintained that they were evidence of a reckless prejudice which had set aside all argument and scruple.

Mr. Wakley, M.P. for Finsbury, said in his place in parliament, 27th July 1836, that "in the Stowmarket union, there being two old people in the workhouse, husband and wife, of whom the husband was blind, the wife was not allowed to attend her decrepit partner on his deathbed until a special order came down for that purpose from the Board of Poor Law Commissioners in London." (1) It appeared on inquiry that nothing of the kind happened in Stowmarket; (2) at Bosmere and Claydon there was a couple answering the description; (3) they were not aged, nor was the man decrepit; he was 56 years of age, able-bodied, except for his blindness; (4) he and his wife had never been separated as alleged; (5) he had not been on his deathbed; (6) no application had been made to the Central Board on this subject; (7) he and his wife were not in the workhouse, but in a building contiguous to it, where they had a room to themselves; (8) the man himself was grateful for what was done

for him, as he was more comfortable and better looked after than he had been in his own cottage.

Other cases examined into by Dr. Kay were reported by him to be "equally absurd with the Bosmere cases."

As evidence of the malevolent rumours disseminated, the report of the Assistant Commissioner, Mr. Gilbert, is quoted:—

"Amongst other ridiculous statements circulated, the peasantry fully believed that all the bread was poisoned, and the only cause for giving it instead of money was the facility it afforded for destroying the paupers; that all the children beyond three in a family were to be killed; that all young children and women under 18 were to be spayed; that if they touched the bread they would instantly drop down dead. And I saw one poor person at North Molton look at a loaf with a strong expression of hunger, and when it was offered to her, put her hands behind her and shrink back in fear lest it should touch her. She acknowledged that she had heard of a man who had dropped down dead the moment he touched the bread. It was believed that to touch the bread was like 'taking bounty,' and the guardians would immediately seize them, kill their children, and imprison their parents."

A curious mystification was practised on the public about this time with reference to the authorship of a pamphlet, *Marcus on Populousness.* Whether such a tract was ever published seems doubtful. There are in the British Museum two pamphlets—(1) "*On the Possibility of Limiting Populousness.* By Marcus. Printed by John Hill, Black Horse Court, Fleet Street, 1838, pp. 46." (2) "*An Essay on Populousness.* Printed for private circulation; printed for the author, 1838, pp. 27." They contain a solemn argument in favour of the "painless extinction" of superfluous babies. The authorship of this book was attributed by

the Rev. Joseph Rayner Stephens, the Tory Chartist, to the Commissioners. Mr. Gedge, editor of the *Bury Post*, a journal friendly to the new law, wrote to the Commissioners asking for a disavowal. Mr. Chadwick replied that "Mr. Nicholls, Mr. Lewis, and Mr. Lefevre were not collectively or individually the authors or author of it." This correspondence is noticed in the *Times* of the 10th January 1839. On the 15th, Mr. Stephens replies in the *Times*: "There were other Commissioners—a score or two—besides these three, and then there were Mr. Chadwick himself, his patron Lord Brougham, and his bosom friend Mr. Francis Place, and their 'female assistant,' Miss Martineau."

Mr. Chadwick had added that the Commissioners were not even aware of the existence of the book. At a meeting at Huddersfield (*Times*, 25th January 1839), held to protest against the prosecution of Mr. Stephens, who had been arrested for attending an unlawful meeting at Hyde on 14th November 1838, Mr. Binns, a wool-sorter, said: "As to Marcus's book, it was impudence to deny its existence. At first it was procurable for a shilling or two; with the demand its price was raised to half a guinea, and then a guinea was wanted, to prevent people being convinced of the atrocious nature of its contents and by the evidence of their own eyes."

Baxter, in his *Book of Bastiles* (p. 77), tells us that this infamous book was brought out in the end of 1838; that at the date of his book (1841) it had been suppressed, and was not procurable under £5. "If Lord Brougham," he says, "*was not* the author of it, he certainly was in at the inditing of it." He then quotes Mr. Stephens's letter to the *Times*, and concludes: "I say decidedly, Marcus is directly or indirectly '*Vaux et præterea Nihil.*'"

In the early part of 1839, what Place calls a pirated copy, with a preface, was brought out, and went through

two, if not more, editions. The title of this will sufficiently explain its purpose. *The Book of Murder! A Vade Mecum for the Commissioners and Guardians of the New Poor Law. . . . Being an exact Reprint of the Infamous Essay on the Possibility of Limiting Populousness, by Marcus, one of the three . . . Now Reprinted for the Instruction of the Labourer, by William Dugdale, No. 37 Holywell Street, Strand.*

The preface, written, according to Place, by George Mudie, says that the authorship has been denied by the Commissioners, "though not so fully and distinctly (so some say) as to be quite convincing as to their innocence. But whether or not they had any hand in getting up the *Murder Book*, one thing is quite certain, that the present modification of the Poor Laws and the present mode of their administration are, as far as they go, in perfect harmony and consistency with the principles and the object of the *Murder Book*."

The preface contains much violent abuse of Malthus and Place, and the whole story, we confess, suggests an elaborate hoax somewhat on the lines of that played by Swift and the wags of his day on Partridge, the almanac maker. The pirated copy contains an exact reprint of the original tracts, but the sentiment seems to be so extravagant that it is difficult to believe that they were seriously meant. Mr. Baxter, Mr. Binns, and Mr. Stephens seem to have a fuller knowledge of the original than any one else, and the circumstance is suspicious.

The Commissioners, however, found the matter sufficiently serious, and in their Continuance Report, dated December 1839, refer to the subject again as "a calumny to which we should not advert if we had not reason to think that it had been believed by many of the simple and credulous persons to whom it was addressed, and if a reprint of the pamphlet attributing its composition to the Poor Law Commissioners had

not been extensively circulated among the working classes."

It was not only by Chartist agitators like Stephens and Oastler that the new law was bitterly attacked. In April 1838 there appeared in *Blackwood* an article entitled, "A New Scheme for Maintaining the Poor," a savage and brutal assault on the new law, in the form of a *jeu d'esprit* affirming the right of disposing of the poor for the benefit of the poor. After the manner of Swift's more celebrated paper, it dwells on the profit to be made by tanning the skins of paupers, more particularly those of bastards, which last, it is pointed out, can very appropriately be used for binding the new books for the record of Nonconformist marriages under the new Registration Act—a reckless and ribald jest.

Between the Chartist agitators and the high Tory squibs of Mr. Blackwood's merry men the poor Commissioners had an uneasy time.

The winter of 1836–37 was a severe one, but though the Commissioners were, in some cases, petitioned to permit a return to the old system, they resolutely adhered to their principles. They urged that the workhouse system was essentially protective of the real interests and happiness of the working class. In no single instance was any workhouse with proper accommodation in any rural union filled by an influx of able-bodied paupers. In the union of Highworth and Swindon, where the rate of wages had not increased, 19 labourers, with their wives and families to the number of 95, applied for relief in aid of their wages, and were offered the house. The guardians declined to relax their rule, and the farmers, finding that if they wished to retain the service of the labourers, and to avoid the expense of maintaining them in the workhouse without any return in the shape of work done for them, "in a few hours agreed to increase their wages."

Generally, it may be said that in the rural districts the new Act was gradually brought into operation with comparatively little difficulty, and, as a rule, to the complete satisfaction of the more intelligent portion of all classes of the population.

The introduction of the new Act into towns and populous places was attended with more difficulty, and requires separate notice.

The important task of forming unions in the metropolitan counties of Middlesex and Surrey was intrusted to Mr. Charles Mott. By the middle of 1836, 29 unions and single parishes had been placed under boards of guardians. It had been proposed that 114 parishes in the City of London should be formed into a union. This was rendered difficult by the fact that each parish under the Act was entitled to at least one representative, and the larger parishes must, of course, be allowed more. This, with the *ex-officio* guardians, would bring together a body of about 150 members, a number, in the opinion of the Assistant Commissioner, sufficient to render the administration of business impossible.

The first parish "in the neighbourhood of London" where the new system was brought into operation was Camberwell. Lambeth, the Strand, and St. Saviour's unions, St. Olaves, Bermondsey, Bethnal Green, and St. George-in-the-East were almost at the same time put under the new law. The principal points on which difference of opinion arose were—(1) The allowance of beer to the in-door paupers generally. The use of beer had been prohibited by the Poor Law Amendment Act, and, except as regards the sick and infirm, the guardians, it was pointed out by the Commissioners, had no discretion. With this answer the guardians had been generally satisfied. (2) The remuneration of paupers for work done. Thus, in one union, 139

paupers were employed at an estimated cost for wages and maintenance of £1682. The Assistant Commissioner, who had had large experience as a contractor for the maintenance of paupers under the old law, estimated that the work could be done by a staff of 12 paid servants with some assistance from the paupers, and a saving of about £1000 secured to the union. He was certain, from his own past experience, that, if this mode of parish employment was ended, the "pauper cooks, mantua-makers, doorkeepers, and messengers" now employed in the workhouse would at once discharge themselves and find work outside. (3) The religious difficulty already described had also given the Commissioner considerable trouble.

A more serious difficulty was the factious opposition of the old boards whose operations were put under control by the new law. Most of the London parishes had hitherto been governed, under local Acts, by boards of directors, governors, or trustees composed of from 40 to 120 members. In Shoreditch (and similar incidents occurred at Bethnal Green, St. George-in-the-East, Bermondsey, etc.), on the appointment of the new board of guardians, the old board of 120 directors was left to manage the churchyard and one or two trifling matters. For these purposes they had a separate staff of officers and all the expenses of an independent establishment. Great jealousy existed between the old and the new boards, and the Assistant Commissioner urged strongly that the new law would not be complete till all parochial trusts and every form of receipt and expenditure were placed under the care of local boards of guardians. He also drew attention to the necessity of giving the Central Board the power of appointing and controlling the auditors.

In some instances, notably in St. Pancras, these technical difficulties were used by the malcontents to create obstruction. A doubt had been raised as to the

power of the Commissioners to supersede the existing parish authorities in places where the provisions of Sir John Hobhouse's Act had been adopted. The opinion of the law officers was given in favour of the power of the Commission, and accordingly an order was issued for the election of a board of guardians. The board of directors, elected under Sir J. Hobhouse's Act, contrived to have themselves elected guardians, and then announced their intention not to carry out the provisions of the new law. In the same parish, and for the same purpose of obstruction, fictitious lists of candidates were handed in, amounting to many hundreds, nearly all in the handwriting of the one person.

Owing to the depressed condition of the silk industry of Spitalfields, and to the severity of the winter of 1836–37, the board found it necessary to suspend the order prohibiting relief to the able-bodied, but they insisted that relief should not be given in aid of wages. Relief was ordered to be given in return for task work, and its amount was to be proportioned not to the work done, but to the requirements of the man and his family. The task work offered under the authority of the Commissioners was necessarily of a disagreeable character, and complaint was forwarded to the board by a body, purporting to be a committee of the unemployed silk weavers. To this body the Commissioners sent a very uncompromising answer. The distress then prevailing, they pointed out, was largely the result of a long-continued mischievous administration of Poor Law and charitable funds. The condition of the pauper had not been rendered less eligible than that of the independent labourer, and though silk manufactories with a demand for labour had sprung up in the country, the Spitalfields weavers had been encouraged by the administrators of public relief to keep to the parish and to their own ineffective and antiquated methods of production. The Commissioners were assured that those workmen

who disengaged themselves from the parochial trammels and sought more distant employment had generally improved their condition. The congestion, which was then causing distress, was the result of the mischievous immobility brought about by the impolitic administration of public relief, and the Commissioners could not sanction any return to the old abuses.

The Commissioners declined peremptorily to consider the objection that the task work offered by the guardians of Bethnal Green would unfit the weavers for a resumption of their own trade, and quoted evidence to show that the complaint was frivolous. The communication concludes in the following trenchant manner: "The mischievous character of the unauthorised body to which you belong has been manifested to the Commissioners." . . . They "are assured that you and your associates find it better to go about from public-house to public-house, convening meetings on cases of alleged grievance (of which the one now examined is an example), and living upon subscriptions exacted from the distressed weavers. . . . The Commissioners will request the guardians not to sustain your unauthorised authority by sanctioning your intervention. You must also be cautioned that you will be amenable for exciting obstructions against the execution of the law."

The decision of the Commissioners was a right one, but the terms in which it is expressed probably seemed to many unduly severe. In this particular case they were evidently aware of circumstances which proved their petitioners to be a mischief-making and disorderly body, but complaint was made, then and at a later period, that the Commissioners wrote too much and too harshly. It may here be confessed, once for all, that a firm conviction of the real beneficence of the policy, which it was their duty to carry out, may have occasionally betrayed them (and at the present day

may sometimes betray those who have adopted their views) into expressions which, in the eyes of opponents, appear callous to individual suffering. Hostile criticism, however, directed against the Commissioners on this account is really altogether irrelevant. We may admit that they did not sufficiently condescend to shelter themselves from the unpopularity attaching to a strict performance of their duty by conciliatory language which, as it covered a very real firmness in procedure, would certainly have been denounced as unctuous and insincere. The real point at issue is whether the policy which they were charged to carry out was just and necessary. A defence of this naturally turned on philosophic and economic arguments, which, when addressed to ignorant and poverty-stricken men, must seem altogether unconvincing. This, however, has been, and must always be, the principal practical difficulty which besets the subject. The Commissioners had to persuade the poor man, and those who constituted themselves his advocates, and through them, and to some extent in spite of them, the electorate and parliament, that popular progress required a restriction of the common property constituted by the poor-rate.

Obviously this is a difficult proposition to bring home to those who have been regarded as the beneficiaries of the fund, and the controversy has been further darkened by the difficulty, we might almost say the impossibility, of avoiding the use of terms of moral praise and blame which the speaker or writer, if he could always pause to explain, would eagerly disavow. We deplore the moral degradation and the incapacity for economic progress which has been developed among the poorer classes of this country by an unwise Poor Law system, and it is difficult, amid the stress of controversy, to reprobate the artificial contagion against which we are contending, without at times glancing hardly at its too submissive victims.

The disease of pauperism is a painful one, holding in its thrall generation after generation. No words can be too strong to condemn those who, seeing the remedy, shrink from proclaiming it and supporting it because it is arduous and unpopular; but the victims of the disease, for whom a painful process of social surgery may yet secure health and liberty, are entitled to our sympathy and pity. On the whole the Commissioners performed their onerous duties in a conciliatory manner. If they failed to disarm opposition, it was due to the inherent difficulties of the situation, which no amount of tact could have entirely overcome.

During the winter months of 1836 the law was put on its trial in some of the manufacturing towns of the North and Midlands. When carried out with the goodwill of the local authorities it was admitted to be an improvement on earlier methods.

Stoke-upon-Trent was placed under a board of guardians on 31st March 1836. Soon after, a serious strike took place in the district. On the 23rd November the Commissioners recommended that no out-door relief be given to the able-bodied while there was still room in the workhouse. When the workhouse was full, out-relief in kind might be given. During the strike which began in September, wages to the extent of about £10,000 per week ceased to be paid. Some 30,000 persons were deprived of their earnings for ten weeks, and about 7000 for twenty weeks. The system of relief pursued was that the guardians offered food at the workhouse for able-bodied men and their families, in return for a task of work done. The guardians subsequently stated that these arrangements had worked satisfactorily; "it has enabled them to meet a crisis and pursue a course both humane to the destitute and preservative of the rights of property, and thus rendered a seasonable and invaluable service to the parish."

The union of Nottingham was formed in July 1836, and the rule prohibiting out-door relief to the able-bodied was issued at once. The system was not new at Nottingham, as for years the administration of the principal and most populous parish of St. Mary had been conducted on these principles. A period of depression arrived in the spring of 1837, owing to the interruption of the American trade. The union was inadequately provided with workhouse accommodation, but temporary premises were procured under the advice of the Assistant Commissioner. It was resolved to adhere as far as possible to the workhouse test, and, if necessary, to give out-door relief under a labour test. The out-door test took the form of a work of public utility, and accordingly a road was made through some property belonging to the Corporation. The men and their families were maintained, but were paid no wages.

In this way, by the use of the double test, the in-door test for ordinary occasions, and the out-door labour test for extreme emergencies such as the case of Nottingham, it was found practicable to meet every demand made on the new system.

The Commissioners, and the authorities in Nottingham, congratulated themselves that the methods used on the present occasion had evaded the difficulties and inconveniences which had arisen in other years in connection with public relief during temporary depressions of trade. Formerly the various parishes had been accustomed to start a manufactory of hosiery in order to employ the frame-work knitters, .though stockings were already being sold at ruinously low prices. The paupers, it had been argued, should be employed at their own trade. The parish purchased cotton, and then manufactured goods, which were subsequently sold at a loss of 50 per cent. The goods thus brought into the market naturally affected the

price of goods produced in the open market, and brought about a continued depression of trade.

In places where the local authority was either lukewarm or actively hostile, the introduction of the new Act, if not rendered wholly impossible, was effected under great difficulties. Thus serious opposition was encountered at Huddersfield. In January 1837 the union of Huddersfield was declared. At the first meeting of the guardians, on 15th February, instead of proceeding to elect a clerk, a motion to adjourn till the 3rd April was carried. A new board, in the ordinary course of events, was to be elected in March. In the interval an extraordinary agitation was got up against the new law. Intimidation was also used against persons favourable to it. A new board, more or less hostile, was in due course elected, and met on the 3rd April. The meeting was invaded by a disorderly crowd. After a short adjournment, and then a debate, the meeting was again adjourned till the 5th June. On the 3rd June the Commissioners directed a letter to the guardians, pointing out that their conduct was a direct contravention of the Act. Incidentally, also, the letter pointed out that boards of guardians were now responsible for putting into execution a new Act for the Registration of Births, Deaths, and Marriages, and that the election of a clerk who, according to the provisions of that Act, had, as Superintendent Registrar, certain duties to perform, ought to take place before the beginning of July.

On the morning of the 5th June violent and inflammatory speeches were delivered to a crowd of persons by Mr. R. Oastler, the Chartist, and others. This crowd broke open the doors of the workhouse, insulted and assaulted the guardians, and resorted to such other forms of intimidation that the guardians again adjourned till the 12th June. The Commissioners then wrote to the guardians urging them to

proceed to the election of a clerk, and pointing out that three guardians willing to act would constitute a *quorum*. At the meeting of the 12th a further adjournment, without any business done, till the 11th September was carried. Notwithstanding this initial friction the law was at a later period brought into operation in the midst of the most perfect public tranquillity. The guardians took over the duty of their position on 29th September 1838.

This temporary check to the Commissioners' work caused much exultation in the obstructionist party. The following extract from a petition presented to parliament from certain inhabitants of Bury, in Lancashire, will show the spirit in which the new law was being received :—

"Your petitioners have seen, with scorn and disgust, the same disregard to moral principle evinced in the low cunning and deceit with which the Commissioners, under the pretence of having no object in view but to carry into effect the Act for the Registration of Births, Marriages, and Deaths, have attempted to foist the new Poor Law on those manufacturing districts in which there exists a general conviction that its enforcement will be destructive of the peace of society, and of the security of life and property. Your petitioners, convinced of the illegality as well as the moral turpitude of the proceedings of the Commissioners, and denying the right of executive officers to issue rules and regulations inconsistent with the law of the land, have determined not to pay the slightest regard to their orders or any officers under their control."

The Commissioners, feeling that they had no option, proceeded to make temporary arrangements for carrying out the Registration Act. They accordingly declared 31 unions in Lancashire and the West Riding of Yorkshire, solely for registration purposes, and de-

ferred the introduction of the new Poor Law till a more convenient season. During the year ended July 1838, the Commissioners directed 22 of these unions to assume the administration of relief. The Orders issued by the board were somewhat different to those issued in other parts of England. A larger discretion was given to the guardians with regard to the appointment of paid officers, and the five rules mentioned on p. 167 as being issued to the rural boards were entirely omitted, and instead guardians were directed to administer relief according to the provisions of the statute of Elizabeth, cap. 2, and "all other statutes relating to the relief of the poor." Notwithstanding these concessions,[1] the temper of the population in some of the manufacturing towns of the north did not permit the introduction of the new Act, even in a modified form, to take place without serious disturbance. Thus at Todmorden, Messrs. Fielden & Co., cotton manufacturers, suddenly dismissed the whole of their workpeople to the extent of several thousands, declaring by placard, signed by one of the firm, that their works would be closed till the persons acting as guardians had resigned their office. A public meeting was also summoned with the purpose of obstructing the new administration at its first meeting. The guardians adjourned, and, at a subsequent meeting, took the necessary steps to carry out the law. Messrs. Fielden then reopened their works and issued a manifesto, in which they declared that they were not yet prepared to oppose force to force, but the time might not be distant when the experiment would be tried. The real difficulties of the authorities would commence when the supplies had to be collected, and the board was warned that if they persevere they may have "the satisfaction of knowing that rates cannot be

[1] For Mr. Chadwick's protest against this policy of concession, see p. 269.

collected in England." In accordance with this threat, the overseers in Todmorden and Langfield (the townships in which Messrs. Fielden's works were situated) declined to collect the rate demanded by the union. The assistance of the law courts was called in, and the recalcitrant overseers were fined. A *mandamus* to compel the overseers to pay was subsequently obtained from the Court of Queen's Bench, but only after long delay and a considerable amount of litigation and expense. For the time being there was apparently neither machinery nor funds available for the relief of the poor in the two townships named. In November, two constables arrived from Halifax to execute a warrant of distress upon the overseers. A crowd was summoned by the ringing of the factory bell at Messrs. Fielden's works, and the officers were assaulted and stripped. A riot took place, and, in consequence, special constables were sworn in by the magistrates. The houses of the chairman and members of the board of guardians were attacked, and a great destruction of property took place. The military was sent for from Burnley, but happily, before its arrival, peace was restored. A force of infantry and cavalry was, however, stationed at Todmorden for the preservation of the peace, and certain of the rioters, among others men employed at Messrs. Fielden's mills, were arrested. Some of them were tried and convicted at York Assizes, and the judge took occasion to remark "that there were parties far more deserving of punishment, in reference to these transactions, than the misguided men who then stood before him for sentence."[1]

The union of Bradford, in the West Riding of Yorkshire, was declared 10th February 1837, and the first meeting of the board was subsequently fixed for the

[1] Owing principally to the opposition of the Messrs. Fielden, Todmorden union had no workhouse for more than 30 years after this date. The powers of the Commissioners in this respect were clearly inadequate.

30th October. The Assistant Commissioner, Mr. Power, attended to give his advice and support. The meeting had to be adjourned from the Court-house to one of the hotels in the town, owing to the threatening aspect of the crowd, and then one of the *ex-officio* guardians, Mr. Matthew Thompson, declared that the meeting of the guardians should take place in public. This proposal was combated by Mr. Power, who, though well aware of the advantage to be gained by a public declaration in favour of the law by a person of Mr. Thompson's position (Mr. Thompson at one time had been an opponent of the new measure), was equally sure that no explanation would satisfy a crowd of the character which he saw assembling. Mr. Power's remonstrance proved unavailing, and accordingly the meeting of the guardians took place in the public Court-house at 2 o'clock. Mr. Lister, another magistrate, who had by this time arrived, delivered a harangue asking that a fair trial should be given to the law. He was followed by Mr. Thompson, who was heard with attention, but both failed in allaying the popular excitement. The greatest confusion arose, and with some difficulty resolutions suggested by the Assistant Commissioner were passed. The board then adjourned. As he left the Court-house, the Assistant Commissioner was violently assaulted. The police looked on helplessly. Mr. Power accordingly asked that some additional force should be sent to support the law. A sergeant and six police constables of the metropolitan force arrived on the evening of the 3rd November. They were, with the concurrence of Mr. Power, sent to Leeds to wait events, as their presence, unless necessary, would only create irritation. Mr. Power returned to Bradford on the 13th, the day fixed for the next meeting of the board. Affairs still appeared threatening, and an adjournment was considered necessary. In consequence of the Assistant

Commissioner's report, and of the representation of Mr. Lister, the senior magistrate, who went to London to see the authorities, Lord John Russell directed that the London police should be withdrawn, and that a detachment of cavalry should be sent for. He also directed Mr. Power, who seems to have been specially obnoxious to the mob, to remain away from Bradford for the present. He accordingly stationed himself at Skipton to await a report of the meeting of the Bradford Board, to be held on the 20th. On that date the guardians met and sat from 10 till 2 o'clock. A troop of cavalry and some police were drawn up in front of the Court-house. For some time the mob remained quiet, but at length began to throw stones. At about 12 o'clock Mr. Paley, the magistrate, found it necessary to read the Riot Act. The cavalry then endeavoured to disperse the crowd, acting with great forbearance and with little effect. The magistrates and guardians left the Court-house, but the clerk of the union was besieged in the Court-house, and the windows and doors were broken. Subsequently the military returned and rescued him from his dangerous position; the cavalry was obliged to charge, and several shots were fired. Happily all this occurred without loss of life. The town continued in a disturbed state till the end of the month, and a considerable force of military was deemed necessary for the maintenance of order.

On the whole, however, though these disturbances attracted attention disproportionate to their real significance, the new law was elsewhere giving general satisfaction, and as the time for the renewal of the Commissioners' authority drew near, manifestoes and petitions in favour as well as against the new system were drawn up and forwarded to the Commission or to Parliament. The following passage from the report of the guardians to the ratepayers of the important

union of Chorlton, situate chiefly within the borough of Manchester, is a fair specimen of the favourable opinion extended to the new system. It is there stated, "that coming to the subject with minds not prepossessed in favour of the Poor Law Amendment Act, they are convinced, after experience and careful consideration, that it only requires a thorough knowledge of the principles upon which the Act is founded, to disabuse the public mind of nearly all the obloquy that has been cast upon it." This same board passed a unanimous resolution to the effect "that the time has now arrived for providing proper and suitable accommodation for the in-door paupers of the union, whereby the comforts of the poor may be better provided for, and the responsibility of the guardians lessened, by centralising their duties in one building conveniently situated for their more easy inspection and management."

CHAPTER XII

POLITICAL AND OTHER OPPOSITION

The support given by the Radical party—Francis Place—The official Tories—The Clergy—Earl of Stanhope—*The Book of the Bastiles*—Sir R. Peel and the Rev. E. Duncombe—The Inquiry of 1837—Mr. Fielden's motion for repeal—Mr. Disraeli's speech—Differences at the Central Board—Its alleged "flinching."

CONTROVERSY was not, of course, confined to those actually engaged in the administration of the law. In Parliament and in the press the battle raged fiercely. The Whig ministry was responsible for the measure, but it had been warmly promoted by the most influential of the Radical party, by the Benthamites, by Mr. Grote, Mr. Hume, and by Francis Place, who had himself been ambitious of obtaining the appointment of Commissioner. This section of the Radical party addressed spirited appeals to their supporters, of which the following, from an article, "Fallacies on the Poor Law," in the *London and Westminster Review*, January 1837, the organ of the Benthamite Radicals, is a fair specimen :—

"Operatives of England, if any echo of our voice should reach you through these pages, spurn the degrading counsel of your present leaders. Be not tempted to look with longing eyes upon the spoil of the Egyptians—not even though it should appear, as by a righteous retribution, ready to be delivered into your hands. Touch it not; it is an accursed thing. . . . Now listen to the libels pronounced upon you by the very persons claiming to be your only real friends. . . . 'You are the slaves of intemperance and improvidence;

and if so, you deserve to suffer.' . . . You are frequently plunged into distress through the pressure of unavoidable misfortunes. Let us take the latter case. Your leaders then tell the world that although there are among you trade societies capable of supporting thousands and tens of thousands out of work for months together during a strike, you are not capable of forming benefit societies for sickness and old age ; that you have no corner at your fireside for a widowed mother—no half-loaf to divide with a broken-down shopmate—no shilling saved ready as a subscription for his coffin—no sympathy for his orphan child. . . . And is it indeed so? Then away for ever with the delusion that you are fitted to enjoy the right of universal suffrage, or that for you it is necessary that the elective franchise of the Reform Bill should be extended. Be paupers if you will, but clamour not for the right of freedom. Liberty turns with contempt from those who eat the bread of dependence with delight, and hug the chains of their disgraceful bondage."

The Poor Law Bill, this same article declares, "partly originated in the Radical camp." "It is, in fact, a measure to the framing of which neither Whigs nor Tories would have been equal without Radical assistance." "The Bill received the support, before it became law, of the *Examiner*, the *Monthly Repository*, and almost all the ablest organs of the Radical party ; of Francis Place[1] and other well-known friends of the working class."

[1] The attitude of Mr. Francis Place is of some interest, owing to the influential position which he undoubtedly occupied in the councils of the radical party. "Early in March 1833," Place writes in a letter to Jos. Parkes, the radical organiser in Birmingham, "Lord Althorp wrote to the Commissioners of the Poor Laws Inquiry, and requested them to inform him whether the adoption of the Labour Rate Bill (the renewal), as a temporary or palliative measure, would have the tendency to increase the evils of the Poor Laws." The answer of the Commissioners seemed to Place to be so good that he applied for money to print 10,000 copies.

The official Tory party, among whom the influence of the Duke of Wellington was supreme, supported the new law, though naturally they left the burden of the defence to the Government. Throughout the country the leading gentry did their best to make the law work smoothly. Among the chairmen of the first unions were to be found a large number of peers and county magnates, *e.g.*, the Marquis of Bute, Viscount Barrington, Sir H. Verney, Bart., Sir T. Fremantle, Bart., the

These he dispatched to all persons "who were likely to interfere in the matter." As a consequence, proceedings were dropped, and "no more was heard of the mischievous Bill either within or without the House." Complaint was made at the time by the opponents of the Act of the use made of secret service money. Whether the above distribution was made by this means it is impossible to say, but it seems probable. The same is also to be said of an able pamphlet, *The Parish and the Union*, which was much circulated about this time. It contains an analysis of the evidence given to the Committee of 1837.

Miss Martineau, in 1833, was engaged in the strange task of writing a series of Political Economy novels. She describes how Lord Brougham sought her acquaintance and, in his extravagant complimentary way, besought her to write novels on the Poor Law. "Under the superintendence of Lord Brougham's Society for the Diffusion of Useful Knowledge," she wrote three tales, *Poor Laws and Paupers Illustrated*. The "little deaf lady from Norwich," as Lord Brougham called her, was at this time on terms of considerable intimacy with the Whig leaders, and the following letter from Place was without doubt communicated to the proper quarter.

Place wrote, 4th March 1834, to Miss Harriet Martineau that he wished the Lord Chancellor would make him one of the Central Commissioners. "I would go into the business and help to carry it on with all my heart and soul, would work carefully and promptly and efficiently on the great and good work, would think nothing of obstacles, and be utterly careless of the abuse which will be showered down in all possible forms on the obnoxious Commissioners" (*Life*, p. 332).

Place further abused the Government for having weakened the Bill; and "he steadily defended the law with tongue and pen, and kept up, even among the extreme democrats, a tiny minority of audible opinion in its favour." The Chartist *Northern Liberator* (30th December 1837) wrote of him as being "the very head and chief, the life and soul, of the Poor Law Amendment Act" (p. 333).

Mr. Wallas thus describes the part taken by Place in drawing up the People's Charter. "Before consenting to draft the Charter, he made the leaders of the Working Men's Association promise that they would prevent speeches against the New Poor Law or for Socialism being delivered on their platforms" (p. 370).

Earl of Hardwicke, the Earl of Stamford, Marquis of Westminster, the Right Hon. Sir James Graham, Viscount Ebrington, M.P., Lord Braybrooke, Lord Rayleigh, Lord Ellenborough, Marquis of Salisbury, Sir Culling Eardley Smith, Bart., Earl Brownlow, Marquis of Exeter, Earl Spencer, Marquis of Northampton, Earl Fitzwilliam, Sir B. Leighton, Duke of Sutherland, the Earl of Stradbroke, the Duke of Richmond, the Earl of Liverpool, the Earl of Radnor, and many others. If we may trust a hostile witness, Mr. G. R. Wythen Baxter, author and compiler of that abusive and ponderous manifesto, *The Book of the Bastiles*,[1] "the generality of the clergy have favoured the unchristian New Poor Law." Still, the same witness tells us there were exceptions: "the meek, Christian-like, and inestimable Rev. G. S. Bull, of Bradford," "the victorious orator of justice and humanity, the Rev. Joseph Rayner Stephens," the Rev. F. H. Maberly, of Bourn, Cambridgeshire, the Rev. Edward Duncombe, rector of Newton Kyme, Yorkshire, and others. Among the pamphlets of the day are not a few supporting the law, written by clergymen of the Church of England.

As a curious comment on the old law, it is worth citing "The Poor Law, a Benefit to the Poor," two sermons preached in Litchfield Church, Hants, by Peter Cotes, M.A., Rector; London, 1835. The preacher congratulates his own parish that it has been comparatively free from the worst abuses; but he indulges in some remarkably plain speaking, and condemns a system by which "a woman's surest way of obtaining a husband has been to become the mother of illegitimate children." Whatever may have been the demerits of

[1] *The Book of the Bastiles; or, The History of the Working of the New Poor Law.* By G. R. Wythen Baxter; London, 1841; 609 pp. Appended to this work is a list of over 100 subscribers, among whom appear the Duke of Newcastle, Earl Stanhope, Mr. J. Walter, Mr. B. Disraeli, Sir Charles Napier, K.C.B., "Anti-Malthusian Bloodsucker," etc. etc.

the new law, the clergy, who knew how the poor lived, had nothing to say in favour of the old law as it was too often administered.

In parliament the opposition to the law was carried on by the odds and ends of political parties. At a somewhat later period, Sir George Cornewall Lewis, writing to Mr. Grote, complained of the difficult position of a Commissioner, "exposed to the insults of all the refuse of the House of Commons without the power of defending oneself." In the Upper House, Earl Stanhope, the fourth Earl (the nephew of Pitt and the brother of Lady Hester Stanhope), presented innumerable petitions against the law, and, as the rules of the House seemed to permit, made three or four speeches a week against the law and the Commissioners. His advocacy, however, does not appear to have been very seriously taken by his brother legislators. The Duke of Wellington alone, on one occasion, administered a sharp rebuke. Lord Melbourne contented himself with some good-humoured banter. On 29th July 1839 we find Lord Stanhope delivering a long speech against the continuance of the Commissioners' powers, and, with Lord Wynford, dividing the House 2 against 10—a fair indication of the slight weight that was attached to his authority. He quoted, however, all the evil tales that could be gathered against the law and its administration. One particular statement, that a young woman had been flogged by the union authorities, was challenged. He gave his authority as the Rev. G. S. Bull above named. Lord Wharncliffe, 26th March 1838, drew attention to this, but was informed that Mr. Bull declined to say where this had happened. On 1st May 1838 Earl Stanhope announced that "my reverend friend" Mr. Bull finds that the woman was not flogged.

Reference made to the Rev. F. H. Maberly, on another occasion, brought up the Bishop of Norwich,

his diocesan, who remarked that Mr. Maberly was not altogether a blameless ecclesiastic. Lord Brougham amused their lordships by quoting some of the invective of the Rev. J. R. Stephens. "They would," said this reverend gentleman, "light up the tocsin of anarchy, and the glory of England would depart. . . . They were not there to argue, . . . but they were determined not to have the Bill. They would neither have the sting in the tail nor the teeth in its jaws, but they would plunge a sword into its entrails, and dig a pit as deep as hell, and out of the Whig filth and rottenness and detestable and damnable doctrines and practices they would tumble it all into the pit." "In my town of Ashton," says the same Mr. Stephens, "they are determined what to do. Let the man who dare do it accept the office of guardian, we are determined, 'an eye for an eye, a tooth for a tooth,' man for man. It shall be blood for blood, so help me God and our country"; and again, "If it were right to confiscate the property of the people by abrogating the 43 Elizabeth, it would be right for the poor to take a dagger in one hand and a torch in the other and do the best for themselves."

Mr. Stephens got into trouble for some of his violent harangues, to the envy of his coadjutor, Mr. Baxter, who complained that he had not been thought worthy of like honour. "I, who to the best of my pen, ink, and lungs have excited the inhabitants of Herefordshire, Carmarthenshire, Glamorganshire, Pembrokeshire, etc. etc., to prove restive under the restraints of Somerset House, and who, on one occasion, last winter, treated some chaps ('idle, lazy, dissolute villains,' of course) with pints round to hiss and groan at an Assistant Commissioner (wasn't that atrocious of me, eh, Mr. Edwin Chadwick, secretary?)." (*Book of Bastiles*, p. 62.)

The Rev. Edward Duncombe mentioned above

wrote a pamphlet, "Gilbertise the New Poor Law." It is a rambling defence of the Gilbert unions, more particularly Great Ouseburn, Barwick, and other Yorkshire Gilbert unions situate near his own parish.

In the course of the debates in parliament, Sir Robert Peel had challenged the opponents of the Act to produce an alternative policy, and had remarked that "as to retracing our steps, the idea cannot for a moment be entertained." Practically this was the answer which responsible politicians of all shades of opinion made to the demands of the malcontents. The Commissioners, in one of their public documents, had committed themselves to the proposition that "one principal object of a compulsory provision for the relief of destitution, is the prevention of almsgiving." Though supporting the new law and the Bills for the continuance of the Commission, Sir Robert complained, 19th March 1841, of this language, exclaiming: "Good God! it is a complete desecration of the precepts of the Divine Law." The Commissioners, it must be confessed, occasionally stated their views in somewhat provocative form. If the sentence is interpreted as it obviously should be, the term almsgiving implies here indiscriminate almsgiving. This may or may not be a good argument in favour of a compulsory poor-rate, but it does not bear on the policy of continuing the subordinate jurisdiction of the Commissioners. Many passages also could be quoted from the Commissioners' reports to show that although this expression was unfortunate, the Commissioners were well aware of the benefits to be derived from the judicious co-operation of charitable agencies. In the third report, p. 91, there is an admirable statement on "Collateral Aids to the Change of System," which sets out the valuable assistance that can be given by charitable effort. The classical passage on the subject which really governs all the pronouncements of the Commissioners on this

subject is to be found in the report of the Commissioners of Inquiry.

"The bane of all pauper legislation has been the legislating for extreme cases. Every exception, every violation of the general rule to meet a real case of unusual hardship, lets in a whole class of fraudulent cases by which that rule must in time be destroyed. Where cases of real hardship occur, the remedy must be applied by individual charity, a virtue for which no system of compulsory relief can or ought to be a substitute."

Sir R. Peel's criticism, however, gave great delight to the opponents of the measure. Mr. Duncombe accepted the challenge, and propounded a policy of "Gilbertise the new Poor Law," filling many pages of his pamphlet by ringing the changes on what he calls "Sir Robert Peel's most tardy, Good God!"

The most formidable and respectable opponent of the law was Mr. Walter, member for Berkshire and proprietor of the *Times*. He made himself conspicuous by presenting petitions, and, in spite of opposition on the point of order, he generally managed to make a speech on the occasion. Mr. Walter ceased to represent Berkshire at the election of 1841, and later in the same year was returned to parliament as member for Nottingham, expressly as an opponent of the new Poor Law.

In February 1837, on pressure by Mr. Walter, the Government consented to a Committee of Inquiry. This committee sat for many months. Mr. Walter and his friends, however, withdrew from attendance, on the ground that its composition was not sufficiently representative of the opponents of the measure. Mr. Poulett Scrope, who was certainly not prejudiced in favour of the law, defended the committee from the charge of partiality. The report was on the whole favourable to the law; some of its recommendations

will be considered when we deal with the Commissioners' own Continuance Report.

Mr. Walter's speech in moving for the above-mentioned committee was a laborious compilation of instances of individual hardship, based on private reports and the communications of anonymous persons. No one was disposed to deny the hardships of the life of the poor, but Mr. Walter failed to produce any great impression, as he had no alternative policy to suggest. Mr. Fielden, the member for Oldham, threatened forcible resistance in his "own peaceful valley of Todmorden." Mr. Whittle Harvey, M.P. for Southwark, Mr. Wakley, M.P. for Finsbury, were men whose advocacy was always violent and exaggerated. Colonel Sibthorp was an eccentric, whose opinion has no weight. Mr. Liddell, M.P. for Mid Durham, Mr. T. Duncombe, brother of the reverend pamphleteer of Newton Kyme, and M.P. for Finsbury, Mr. Grimsditch, M.P. for Macclesfield, and Lords Stanhope, Wynford, and the Bishop of Exeter did not constitute a formidable opposition, even with the occasional and more decorous assistance of Mr. Benjamin Disraeli.

On 20th February 1838 Mr. Fielden moved the repeal of the law. Mr. Wakley seconded. The motion was lost by 309 to 17, but among the 17 was the future Lord Beaconsfield.

On 13th July 1839 Lord John Russell moved for leave to bring in two Bills, one to continue the Poor Law Commission for another year,[1] and the other regu-

[1] The following note on the legislation affecting the Central Board may here be inserted :—

The Poor Law Commission appointed by the 4 & 5 William IV. cap. 76—

1834. Was by that Act continued till			14th Aug. 1839	And thenceforth until the then next session of parliament.
1839. 2 & 3 Vict. cap. 83	„	„	14th Aug. 1840	
1840. 3 & 4 Vict. cap. 42	„	„	31st Dec. 1841	
1841. 5 Vict. cap. 10	„	„	31st July 1842	
1842. 5 & 6 Vict. cap. 57	„	„	31st July 1847	

lating the assessment and collection of rates. These Bills passed without much opposition. The powers of the Commissioners were again continued temporarily in the following year. On 29th January 1841 Lord John asked leave to introduce a Continuance Bill for ten years. On the second reading, Mr. Disraeli moved that it be read that day six months. As might have been expected, Mr. Disraeli's speech was ingenious and picturesque. He objected to the abolition of the ancient jurisdiction of the parish. Reform had taken place in many parishes before the Act, and the measure was the result of unnecessary impatience. Central government, he pointed out, had done nothing for national education, universities, colonial empire, India, not even for bridges and roads. The new Poor Law outraged the constitution and destroyed the parochial system for a sordid consideration. The financial benefit of the measure was proving a delusion. Expenditure was rising. He admitted the necessity of central control, but was in favour of local central control, and for the introduction of a county jurisdiction. He found that the promoters of the law were in favour not only of a union of parishes but of a union of unions. The allusion is to the educational projects of the Government, which had also the support of Sir R. Peel, in favour of a combination of unions for the purpose of education.

The only comment to be made on Mr. Disraeli's

1847.	10 & 11 Vict. cap. 109, replaced the Commissioners by the Poor Law Board, and established that body . .	till 23rd July 1852	And thenceforth until the then next session of parliament.
1852.	15 & 16 Vict. cap. 59	„ „ 1854	
1854.	17 & 18 Vict. cap. 4	„ „ 1859	
1860.	23 & 24 Vict. cap. 101	„ „ 1863	
1863.	26 & 27 Vict. cap. 55	„ „ 1864	Do.
1865.	28 & 29 Vict. cap. 105	„ „ 1866	
1866.	29 & 30 Vict. cap. 102	„ „ 1867	

1867. 30 & 31 Vict. cap. 106, made the Poor Law Board permanent.

1871. The Poor Law Board was converted into the Local Government Board by 34 & 35 Vict. cap. 70.

proposal is that made by Sir R. Peel: It was impossible to go back. The substitution of county control for the control of the Commissioners is an arguable policy in the abstract, but until it had been shown that the newly instituted control of Somerset House was a failure, responsible statesmen were naturally unwilling to support a counter revolution against the Act of 1834. The future Lord Beaconsfield was still Mr. Disraeli the younger, who considered his forte to be sedition. Mr. Baxter, in his *Book of the Bastiles*, speaks of him as "a man of superior heart and head, humanity equal to his talents, and talents equal to his humanity: one who had never ceased in the House to give his unqualified opposition to the Act in spite of *Peel* and *Place*." Mr. Disraeli's picturesque presentment of the parochial system was unconvincing to those who knew the sordid reality. The unreformed Poor Law placed in the hands of ignorant and irresponsible officers, powers which had proved to be at once most tyrannical to the ratepayer and most demoralising to the poor. Parliament had felt itself unable to take what might have appeared to be the obvious measure of reform, namely, a peremptory abolition of the powers of the parish authority. The alternative was to leave a large licence in the hands of the local authority, and endeavour to control it by a permanent authority. Mr. Disraeli's alternative might have worked better than the one which was adopted and persevered in. It should be remembered, in justice to those who conceived the Act of 1834, that central control meant to them the gradual supersession of local empiricism by introducing the rule of salaried experts responsible to a central authority, and merely "inspectable," to use Bentham's word, by the local authority. In justification of Mr. Disraeli's view, it may be remarked that the control of the Commissioners and the Commis-

sioners' successors has not succeeded in advancing their policy very far. The wide licence which still belongs to the local authority is often terribly abused. Whether a county jurisdiction would have succeeded better is an interesting question which possibly may yet become one of practical politics. Mr. Disraeli's proposal, however, was obviously not made in a spirit friendly to the restrictive policy of the new law. It was a matter of little importance whether the control was central or local, so long as it was effective. The last thing that the majority of those who acted with Mr. Disraeli desired was effective control; indeed their whole ground of grievance was the efficiency of the Commissioners' policy. The scientific and economic conception involved in the attempt of the new Poor Law to transfer the poorer population of the country from the status of parochial servitude to the system of contract, which formed the basis of the new industrial era, is one about which Mr. Disraeli and the party which he afterwards led were largely sceptical and never enthusiastic. This attitude of mind characterised Lord Beaconsfield to the end of his brilliant career.

The debates dragged on through the spring of 1841. Mr. Wakley, General Johnson, M.P., Oldham, Mr. Townley Parker, M.P., Preston, and the opponents of the law rehearsed the horrors of the new law; while Lord John Russell, Sir R. Peel, Lord Howick, Mr. Grote, and Mr. Villiers capped their stories by relating the horrors of the old law. Mr. Walter, returned for Nottingham, brought reinforcement to the opposition. On 24th May Lord John announced the abandonment of the Bill. Sir R. Peel now came into office, and for a third time the Commissioners were continued in office for another year.

Within the Commission itself there was, unfortunately, much difference of opinion and divided counsels. It has been mentioned that Mr. Chadwick entered on

his office with a grievance. His ability was great and his industry was indefatigable. The plan of the new Poor Law was largely his invention, yet his position was entirely subordinate. Some years later, on the inquiry into the administration of the law in the Andover union, these early disagreements were made public. Mr. Chadwick showed some disposition to act independently of the Commissioners. This was resented by the Commissioners, who then excluded him from the formal meetings of the Commission. Mr. Chadwick maintained that the meetings of the Commission were not properly constituted unless the secretary was present. He was not supported in this view by the legal advisers of the Commission, and he appears to have been left pretty much to his own devices, and he was employed in a number of inquiries, principally into sanitary matters, which were only indirectly connected with his office. It appeared also that on more than one occasion Mr. Chadwick had appealed to the Secretary of State against the policy of the Commissioners, and, as he contended, his protest was successful. The Commissioners were by no means so eager as Mr. Chadwick to push on the universal introduction of the law, and at one time they appeared inclined to make concessions which did not recommend themselves to Mr. Chadwick.

Professor Masson, in an article in the *Edinburgh Review*, says that as early as 1835 Mr. Chadwick saw what he considered signs of reaction in a proposal to sanction the letting-out of labourers by the Poor Law. In 1837 he remonstrated successfully with Lord John Russell against a proposed General Order which would have recalled, as he said, all the early abuses; and in 1840, in conjunction with Mr. Nassau Senior, he protested to Lord Normanby against a proposal which in his opinion amounted to a statutory sanction of outdoor relief. A copy of a protest of this character

is among Mr. Senior's papers. It points out that a statutory sanction of out-door relief would confer a right which would require to be interpreted in a court of law, a perfectly unworkable condition in our Poor Law administration. It gives an able exposition of the evils of out-door relief generally. The dissatisfaction to which the law is now subject, it argues, is due to the timidity of the central authority and to the continuance of abuses which rendered the old law unpopular, and not to the introduction of reforms, which have, as a rule, succeeded in rendering the law less unpopular. If the new Poor Law is energetically enforced, the dissatisfaction will cease.

The biographer of Francis Place has remarked, that if that energetic politician had been (as he wished) made a Poor Law Commissioner, his zeal, added to the zeal of Mr. Chadwick, would have precipitated a revolution. There is some plausibility in the remark, but it has often been pointed out that one of the justifications of a strict administration of the Poor Law is to be found in the fact that, when once adopted, it does not produce active unpopularity. If Poor Law administration is made the subject of a popular agitation, it is quite true that a policy of *panem et circenses* will carry all before it, but it is equally true that such popular agitation rarely arises spontaneously. When it does arise, it is generally promoted by rival politicians, who regard it as an inexpensive way of ingratiating themselves with a constituency, and not by the poor themselves. The stricter system, in fact, removes not only most of the opportunities for partiality, but also many of the causes of pauperism; and by reducing the number of paupers reduces also the amount of clamour always raised by the pauper class against the measures designed for their relief, which, in their opinion at any-rate, are always inadequate. Their opinion, moreover, is just, for if adequacy of relief means raising the

recipient to a position of comfort and self-respect, it is obviously impossible to produce this result through the Poor Law.

During the years 1840–41 Mr. Chadwick continued to urge the introduction of the law into the manufacturing districts. He especially complained of the suppression of a report drawn up by Mr. Mott, Mr. Gilbert, and himself, with regard to Macclesfield and Bolton. At his instigation, probably, Lord Radnor, in the House of Lords, asked for its production. The Commissioners, however, were not prepared to embark on an energetic enforcement of the law, and Mr. Chadwick's recommendations with regard to Macclesfield were not produced. Mr. Chadwick further complained that he was personally made to bear the blame of the literary indiscretions of his chiefs. These differences of opinion, however, were not made public till 1846. Sir Thomas Frankland Lewis resigned his position, as he did not wish to be responsible for Poor Law administration in Ireland, and was succeeded by his son, Mr. George Cornewall Lewis, on the 1st January 1839. Mr. Lefevre's responsibility continued till May 1841, when he was succeeded by Sir Edmund Head. Mr. Nicholls, whose experience at Southwell would have inspired him with more confidence in the power of a strict administration to allay dissatisfaction, was much absent on the business of the Irish Poor Law during 1836–42. He seems, with characteristic moderation, to have maintained friendly, if not cordial, relations with both parties. Mr. George Cornewall Lewis and Sir Edmund Head were close personal friends. They were trusted, somewhat to the exclusion of Mr. Nicholls, by Sir James Graham, who became Home Secretary in 1841.

Sir T. Frankland Lewis, during the Andover inquiry, described Mr. Chadwick (Q. 22,620) "as an able man, but I thought him as unscrupulous and as dangerous an officer as I ever saw within the walls of

an office." The disclosure of these internal controversies afforded great joy to the enemies of the Commission. The *Times* describes with some glee the apology and public handshaking which took place between the witness and Mr. Chadwick, and his attempt to soften down this unfavourable expression of opinion. For a period it is said that Mr. Chadwick was not on speaking terms with his chiefs. In evidence, however, though stating his grounds of dissatisfaction with great plainness, Mr. Chadwick did not admit that he was on bad terms with the Commissioners. On the contrary, Mr. G. Cornewall Lewis presented him with a copy of his works, and this, he submitted, was evidence that there was no private hostility between them.

The Commissioners had the right to dismiss their secretary, but for various reasons they felt unable to take that course. We shall have occasion again to allude to the differences which led to the dissolution of the Commission; at present the subject is only mentioned to show that the introduction of the new Poor Law was carried out not only in face of the violent opposition of a section of the public, but also amid strained relations and divided counsels within the Commission itself.

CHAPTER XIII

THE COMMISSIONERS' DEFENCE—THE CONTINUANCE REPORT

The Commissioners report on their own powers—Their answer to criticisms—They define in a memorable passage the true principles of public relief—Their defence of the minor regulations laid down for guidance of the local authorities—Their remarks on out-door relief not consistent with the principle laid down in an earlier passage—Education—Combination for better classification—Medical relief—Parish property—The Commissioners insist on the necessity of a Central Control, and make a few minor recommendations.

The office and duties of the Commissioners had been limited in continuance to five years. This fact was productive of many unfortunate results. Towards the expiration of this period agitation redoubled, in the hope that the policy of the new law would be abandoned in deference to popular clamour. The Act was renewed for one year in the session of 1839, and in obedience to the request of the Home Secretary, Lord John Russell, the Commissioners prepared a *Report on the Continuance of the Poor Law Commissioners, and on some further Amendments of the Laws relating to the Relief of the Poor.* This is addressed to the Marquis of Normanby, who in that year succeeded Lord John Russell at the Home Office, and is dated 31st December 1839. The attention of the Commissioners was specially directed by the minister to the report of the Select Committee of the House of Commons (Mr. Walter's committee), and their observations thereon were specially invited. Consideration of this document, the most important issued

by the Commissioners, was naturally postponed by the several temporary renewals of the Commissioners' authority. It demanded and received a fuller attention when the continuance of the Central Board was proposed and carried for another term of five years. It seems therefore the more convenient course to consider its argument and recommendations here rather than at an earlier point of our narrative.

In December 1839 the progress of the new law of England and Wales was stated to be as follows :—

	No. of Unions.	No. of Parishes.	Population in 1831.
Total number of unions and single parishes under Boards of Guardians now under the provisions of the Poor Law Amendment Act, including five incorporations in Norfolk and Suffolk	583	13,691	11,841,454
Total number of parishes, etc., not yet placed under the Poor Law Amendment Act	...	799	2,055,733
	583	14,490	13,897,187

Of these 799 parishes, some were incorporations under Gilbert's Act, some under local Acts, and a few others had for special reasons been left under their former parochial management. In about 70 of the unions formed there was still no central workhouse, and in other unions, especially in the north of England, the new system had been so recently introduced that the local authorities were hardly as yet in a position to walk alone.

Several matters of great importance had as yet been untouched by the Commissioners. Much information on the apprenticeship and education of pauper children had been amassed, but arrangements had not yet been matured for the better management of these important branches of work. Relief in aid of wages was still being given in almost every union to all paupers except able-bodied males, and in many unions

where the workhouse arrangements were not complete it was still given even to this class. Relief was still given extensively to paupers resident outside their own unions. In the quarter ending 25th March 1838 there were as many as 94,852 non-resident paupers. The arrangements for book-keeping, contracts, the government of the officials and staff of the workhouse, were by no means everywhere satisfactory. Again, the clauses of the Act (Secs. 33, 34, 35) which permitted parishes to unite for purposes of settlement and rating had remained more or less inoperative. The object of the Act was the supersession of the parish by the union as the area of management ; and while these permissive clauses were not carried out, the inconvenience, inseparable from the parochial system, of contested settlements and partial and unequal rating still continued.

If the law had not made as much progress as some expected, this was due not to the remissness of the Commissioners, but to the opinion of parliament, Her Majesty's Government, and the public generally, which was opposed to a more rapid extension of the law, and to the employment of more decisive measures for carrying it into effect.

The Commissioners, however, had little difficulty in showing that they had been instrumental in introducing a great change for the better. Various contrivances for confounding relief with wages, they remark, had formerly enabled the predominant interest in each locality to force the weaker neighbours to contribute to a fund from which they derived an unequal benefit, and had converted the state of the labourer into a condition little superior to that of prædial slavery. Riots and incendiary fires and a general feeling of insecurity and alarm had formerly prevailed throughout the southern and eastern counties. Now, though the Commission had been in existence only five years, these dangers and apprehensions had disap-

peared. The change had disturbed many vested interests, and the unreflecting part of the public was too easily influenced by the inevitable clamour resulting from so revolutionary a change. With the abolition of the authority of the Commission, the administration of the law would not at once revert to former abuses, but the Commissioners feared that gradually but surely a relapse would take place. Persons desiring to reform abuses, it was true, would now know what to do, and in some instances they might be able to continue a sound administration without the aid of the Central Authority; but, in the majority of cases, the local influences which formerly made so irresistibly for profusion and corruption would again overbear all local opposition, and the old maladministration would rapidly return. This argument does not seem to have been seriously contested. The opposition to the renewal of the Commissioners' term of office arose from a disbelief in the reality of the reform, and a sentimental objection to the stern philosophy on which it was based. This feeling was confined to a small minority, which, by its violence and enthusiasm, attracted an attention disproportionate to its numbers and political influence. The Irish Poor Relief Act had received the royal assent on the 31st July 1838, and its introduction had been intrusted to the Poor Law Commissioners. This formed an additional reason for continuing the existence of the Commission. The new law introduced two principles hitherto unknown to Ireland: a compulsory rating for the relief of the poor, and representative boards of guardians. No considerable economy would be gained by abolishing the English jurisdiction of the Commissioners, and continuing, as was absolutely necessary, a central and controlling administration for Ireland.

The report deals in a very able and detailed manner with the familiar objections to a Central

Control. "The government of England," it remarks, "and (as far as we are aware) the governments of the rest of the civilised world, can offer no parallel to the old Poor Law system, which annually levied and disbursed in England and Wales alone about seven millions sterling by means of local, unconnected, and unpaid officers, abandoned to their own judgment, destitute of any central guidance or control, and subject to no effectual responsibility." The centralised institutions of some continental governments leave no discretion to local authorities, and this may in some respects be an error. The amended Poor Law system is a mean between the two extremes. "It furnishes the uniformity of action and the accumulation of experience which result from a central superintendence, whilst it possesses the knowledge of detail and active zeal which belong to local management."

The Commissioners next allude to the unpopularity to which the performance of their duty had exposed them, and remark how much more conducive it would have been to their personal comfort, and to that desire for popularity which is natural to all men, if they and their Assistant Commissioners could have found it consistent with their duty to allow and encourage a neglect of those measures of reform which the law had proscribed. Every single conceivable personal consideration urged them to make a limited use of their powers of control. Referring to the public outcry which had been raised against their alleged harshness, they pertinently quote the remark of their Assistant Commissioner, Mr. Tufnell: "Were the public a little more long-sighted, it would see that every motive, save the single one of a strong sense of duty, impels a public board like the Commissioners in a course precisely contrary to that which is made the subject of such constant attack."

The criticisms directed against the Commissioners

were, it was pointed out, mutually destructive. They were blamed for undue interference; and then, again, when through local mismanagement some scandal had arisen, they were condemned for their remissness. "While one set of objectors blame the Commissioners for their intrusive interference with the management of the poor, and for covering the country with their functionaries, another set of objectors expect them to be omniscient and omnipresent, to supersede the exercise of all forethought among the working classes, and to ensure the entire population against all the sudden ill effects of want, disease, and the neglect or cruelty of relations."

As to the objection raised against the power of subordinate legislation exercised by the Commissioners, the report pointed out that of old the magistrates exercised a subordinate power of legislation, both under the Act of Elizabeth and under the 36 George III. cap. 23, commonly known as East's Act; and further, that by their promulgation of scales, at Speenhamland and elsewhere, they had assumed a legislative but entirely arbitrary authority. The authority of the Commissioners, on the other hand, was created after due deliberation by a recent Act of Parliament, their proceedings regulated in a formal and businesslike manner, and their orders by sec. 105 rendered liable to revision by the judges of the Court of Queen's Bench. The Courts, it was remarked, have construed the Act rigidly. The Commissioners themselves have no power of enforcing their orders. Sec. 98 of the Act provides for the trial of offences against the regulations, before two justices, in a strictly constitutional manner.

Descending then to the practical difficulty of legislating in detail on this question, the report pointed out that the orders, issued with regard to the accounts, in themselves exceeded the bulk of the Poor

Law Amendment Act, and were too detailed and too numerous to be conveniently discussed and settled in Parliament. It had been argued, in evidence given before a House of Lords Committee in 1838 by the Rev. Mr. Bull, that the Act of 1834 was devoid of legal authority "because some of its provisions seem to him to be inconsistent with what he deems the doctrines of the Christian religion." This argument was met by the remark that "it is unnecessary to dwell on the anarchical tendency of the theory which this objection involves. If every person is to be at liberty to set the law at defiance upon his own private interpretation of its consistency with the Christian religion, there is an end to civil government as ordinarily understood."

The expense of the Commission had been increased by the responsibility thrown on it in respect of the Parochial Assessment Act and the Parish Property Act, and by the large amount of returns demanded by Parliament. These last had previously been prepared by the officers of the House of Commons, but had now been required from the Commissioners.

The expense of the Commission since its foundation had been :—

	£	s.	d.
18th August 1834 to 31st March 1835 . .	5,488	12	5
Year ended 31st March 1836	27,842	13	8
" " 1837 . .	43,669	9	10
" " 1838 . .	51,849	17	4
1839—England, . . £50,215 0 3	53,828	17	10
Ireland, . . . 3,613 17 7			
	182,679	11	1

The expense was charged according to the Act on the Consolidated Fund.

The following shows the reduction in the moneys spent on the relief of the poor since the introduction

of the Act, as compared with the five years preceding :—

Year ending 25th March.	£	Average Annual Expenditure.
1830	6,829,042	
1831	6,798,888	
1832	7,036,968	£6,754,590
1833	6,790,799	
1834	6,317,255	
	33,772,952	
1835	5,526,416	
1836	4,717,629	
1837	4,044,741	£4,567,988
1838	4,123,604	
1839	4,427,549	
	22,839,939 *	

* This sum includes generally the expenses of building, loans repaid, interest on money borrowed, and cost of persons migrating and emigrating.

The law was not yet in universal operation, and no complete and classified list of the number of paupers appears to have been drawn up with a view of comparing the effect of the new system with the old. In the fifth report there is, on p. 14, a table for the counties of Berks, Bucks, Cambridge, Huntingdon, Lincoln, Norfolk, Somerset, and Suffolk, whereby it appears that in the year ended March 1834 able-bodied pauperism amounted to 99,896. In the year ended 25th March 1839 the number had fallen to 35,333. Other classes of paupers amounted in 1834 to 231,761, as against 134,495 in 1839. The total decrease in the whole pauper population of these counties amounted to 161,841. The percentage of decrease was 65 per cent. in able-bodied pauperism, and 49 per cent. in pauperism of all kinds.

The Commissioners pointed out that the responsibility for the unpopularity of the new law and its

administration must be shared by the local authorities. Generally the provisions of the new law had been warmly approved by the *ex-officio* and elected guardians of the new unions. In England and Wales there were some 16,667 elected guardians and about 4198 *ex-officio* guardians, in all 20,865 persons; and if the law was of the hateful character described, it could never have secured the support of so large, respectable, and intelligent a portion of the community.

With regard to a recommendation of the Select Committee that the definition of a "General Rule" should be reconsidered, with a view of securing more publicity for the orders of the Commissioners, the report explains how practically the whole work of the board had been carried on by the issue of orders which were not general in the sense defined by the Act, namely, that they were applied to more than one union. No two unions were precisely alike; and though orders of the same tenor had been issued to all, they had differed in some slight particular, and so had not been subject to the rules of publication laid down for "General Rules" by the Poor Law Amendment Act. The Commissioners, however, suggest to the Home Secretary that all orders whatsoever should be returned to parliament every month, and be subject to the allowance of Her Majesty in Council, but that, to avoid unnecessary delay, the obligatory part of any regulation, when it had once passed the Privy Council as a general rule, should be applicable *mutatis mutandis* to all unions. The fourteen days' delay prescribed by the Act, before the order of the Commissioners becomes obligatory on the parish or union to which it is issued, is, in the Commissioners' opinion, inconveniently long, and might be curtailed in the case of orders which have been already sanctioned as General Orders.

The Committee had also urged the publication of a list of officers dismissed by the Commissioners.

There need be no difficulty about this; but the Commissioners fear that this additional penalty will make local authorities less willing to come forward and denounce the irregularities and malversation of union officers. The report next discusses the question of the constitution and election of the boards of guardians. Generally the new arrangement had worked well.

A difficulty had arisen about the admission of reporters and the public generally to the meetings of the boards. In a long letter addressed to the Lambeth board of guardians, the Commissioners had, in their second year of office, declared that the admission of the public was undesirable. The proper administration of the law was safeguarded by the publicity of the accounts, and by the supervision of the Central Board, and the Commissioners therefore were unwilling to sanction the intervention, at the administrative business of the board, of promiscuous assemblages, often drawn from public-house clubs, and representing only a noisy and obstructive minority of the ratepayers. To this opinion they adhere in their Continuance Report.

After some minor recommendations with regard to voting, proxies, the division of parishes into wards, they urge the necessity of intrusting the Commissioners with power to dissolve the Gilbert incorporations.

They then propound in a celebrated passage a succinct and forcible statement of the policy of the Poor Law:—

"The fundamental principle with respect to the legal relief of the poor is, that the condition of the pauper ought to be on the whole less eligible than that of the independent labourer . . .

"The truth of this principle has either been generally admitted, or at least has not been disputed; but the difficulty has consisted in applying it to practice.

"A distribution of relief of money or goods, to be spent or consumed by the pauper in his own house, is inconsistent with the principle in question.

"Money or goods given to paupers, to be spent or consumed by themselves as they may think proper, is, in general, more acceptable than an equal value earned as wages; inasmuch as it is unaccompanied by the painful condition of labour.

"Supposing, again, that the persons charged with the duty of relieving the poor relieve them with money or goods at their own houses, but attempt to exact some labour in return, this mode of relief is found to be equally inconsistent with the principle in question. If the remuneration of the labourer is independent of his industry or good conduct, . . . he is exempt from the motives which ordinarily operate upon the independent labourer, and his condition resembles that of a slave whom his master is bound to maintain, but whom he cannot punish for idleness or misconduct. Moreover, the administrators of public relief have, in general, no means of finding profitable employment for labourers in agriculture or other occupation in the open air. Accordingly, the gravel-pit, to which the overseers used to send able-bodied paupers under the old system of Poor Law, was little more than a place in which paupers assembled together in order to converse or pass the day in nearly total idleness.

"In order, therefore, to carry the above-mentioned principle into effect, it is necessary that the pauper should be relieved, not by giving him money or goods to be spent or consumed in his own house, but by receiving him into a public establishment. But a public establishment, if properly arranged, necessarily secures to its inmates a larger amount of bodily comfort than is enjoyed by an ordinary independent labourer in his own dwelling. For example, an inmate of a well-appointed union workhouse lives in

rooms more spacious, better ventilated, and better warmed; his meals are better and more regularly served; he is more warmly clad, and he is better attended on in sickness than if he were in his own cottage; moreover, all these benefits are supplied to him with perfect regularity, and without any forethought or anxiety on his part. Thus far relief in a public establishment violates the principle above adverted to, and places the pauper in a more eligible condition than the independent labourer. And yet humanity demands that all the bodily wants of the inmates of a public establishment should be amply provided for. The only expedient, therefore, for accomplishing the end in view, which humanity permits, is to subject the pauper inmate of a public establishment to such a system of labour, discipline, and restraint as shall be sufficient to outweigh, in his estimation, the advantages which he derives from the bodily comforts which he enjoys. This is the only mode, consistent with humanity, of rendering the condition of the pauper less eligible than that of the independent labourer; and upon this principle the English Union workhouses have been organised."

The report goes on to argue that the administrators of relief must be in a position to define the condition of those who receive relief. This cannot be done in the case of persons receiving domiciliary or out-door relief, for their condition cannot be accurately ascertained or regulated. These conditions are well understood and approved with regard to the able-bodied.

"With regard to the aged and infirm, however, there is a strong disposition on the part of a portion of the public so to modify the arrangements of these establishments as to place them on the footing of *almshouses*. The consequences which would flow from this change have only to be pointed out to show its inexpediency and its danger. If the condition of the inmates of a

workhouse were to be so regulated as to invite the aged and infirm of the labouring class to take refuge in it, it would immediately be useless as a test between indigence and indolence or fraud—it would no longer operate as an inducement to the young and healthy to provide support for their later years, or as a stimulus to them, while they have the means, to support their aged parents and relatives. . . . If the views of those persons who desire the conversion of the workhouse into an almshouse were to be carried into effect, not only would all the aged of the labouring class be maintained at the public expense, and the burdens of the community be thus enormously increased, but the habits of forethought and industry in the young, who, exerting themselves for their future benefit, find an immediate reward in the increase of their present welfare,—habits which we rejoice to say are daily developing themselves throughout the labouring portion of the community,—would be discouraged and finally extinguished."

The report then proceeds to defend the regulations laid down for the government of workhouses, the separation of the sexes, the dietaries prescribed, the prohibition of the use of beer, the admission of visitors, and the provision made for "the religious assistance" of the inmates of workhouses. This last consisted in regulations for allowing each inmate to be visited, if necessary, by a minister of his own sect.

In the foregoing statement of the advantage of in-door relief, the Commissioners seem, more or less completely, to lay down the principles on which all relief should be administered. In a later portion of their report they return, in a spirit of compromise, to the subject of out-door relief. With regard to the aged and infirm,—in opposition, it may be pointed out, to the principle already laid down,—they remark that the 27th section of "the Poor Law Amendment Act enables two

justices to require that out-door, as contradistinguished from in-door relief, should be administered in any case where one of the justices is personally cognisant of the inability of the party. From the nature of this proviso it would appear that the Legislature contemplated the issue of some regulation on our part, or the adopting of some rule on the part of boards of guardians, requiring the persons who are the objects of this proviso to receive relief only in the workhouse. We have, however, in very few instances limited the discretion of the guardians to giving out-door relief to this class of persons; and it is not our intention to issue any such rule in reference to this branch of relief, unless we shall see, in any particular union or unions, frauds or abuses imperatively calling for our interference." The clause referred to was, as we have seen, pitchforked into the measure against the wish of those who were responsible for it, and it had, moreover, remained practically a dead letter. It is here set out somewhat irrelevantly as in some way debarring the Commissioners from proceeding to carry out the law to its logical conclusion in the manner unanswerably sketched out in the earlier passage of their report.[1]

With regard to out-relief to the able-bodied, the Commissioners offer no compromise. The prohibition of out-relief to the able-bodied had been issued and brought into practice in the counties of Bedford, Berks, Bucks, Cambridge, Chester, Derby, Devon, Dorset, Essex, Gloucester, Hereford, Herts, Huntingdon, Kent, Leicester, Lincoln, Middlesex, Monmouth, Norfolk, Northampton, Nottingham, Oxford, Salop, Somerset, Southampton, Stafford, Suffolk, Surrey, Sussex, Warwick, Wilts, Worcester, Anglesea, Brecon, Carmar-

[1] In connection with this inconsistency, the policy of the Irish Poor Law, which at first prohibited out-door relief, should be noted. Mr. G. Nicholls' responsibility for the introduction of this measure is narrated in Mr. Willink's introduction. See also notes, vol. ii. p. 392.

then, Denbigh, Flint, Glamorgan, Pembroke, Radnor. Throughout these counties the allowance system is now at an end. The Commissioners deprecate attempts to return to the old system occasionally attempted by an illegal use of payments under the Highways Act, and quote Mr. Parker, the Assistant Commissioner in Gloucestershire and Warwickshire, who thinks that a desire to get labour cheap has much to do with the farmer's desire to pay out-relief. Voluntary subscriptions had been raised in some places, and paid to those who had large families. The roadside pasturage was also sometimes let out to farmers, and the money so realised paid away in relief to persons with large families, who were then required to work for lower wages; an arrangement which, in the Assistant Commissioner's opinion, tended to defeat the beneficial effect of the new law.

An attempt in parliament to introduce a clause into the Poor Law Continuance Act, allowing guardians to pay head money for children, is regarded by the Commissioners as evidence of some general desire in that direction. Such a plan, the Commissioners asserted, would be most mischievous. The proposal was regarded by the Commissioners as the thin end of the wedge, and all the familiar arguments are rehearsed to show how mischievous and far-reaching such a concession would be. They noticed also the proposal that the allowance system should still be permissible in the case of labourers married before the date of the Poor Law Amendment Act.[1] This they reject, on the ground that the allowance system is no benefit to the poor man, but really a perpetuation of his sufferings. Nor were they less condemnatory of the argument which found in the existing corn laws a reason for Poor Law abuse. The allowance system did not really raise the labourer's

[1] Mr. Darby had raised this point in the House of Commons, and succeeded in carrying an instruction in this sense on 30th July 1839.

income, and therefore could be no assistance to him in face of a high price of grain. All attempts of the state to interfere with wages they regard as unwise: "and we earnestly hope that no declaration from any person, whose station gives authority to his opinion, and still less any legislative enactment, will sanction this pernicious delusion."

Then, just as in the case of the aged, the Commissioners, after stating their argument in a most convincing form, proceed to offer concessions which, as the result has proved, have gone far to destroy the authority of their general recommendations :—

"The order for prohibiting out-door relief to the able-bodied, . . . which we propose to make as general as possible, permits out-relief to the able-bodied in all those cases of extraordinary distress which are of most frequent occurrence, such as sickness, accident, bodily or mental infirmity in themselves or in their families." A wider definition of exception it would be difficult to frame.

The conclusion of the argument is worth quoting :—

"If more than this be attempted, if the guardians be encouraged to give out-relief systematically to classes of able-bodied labourers, and if the system of allowances in aid of wages be legally established, the system of relief which has been created under the Poor Law Amendment Act will speedily assume a new form. The workhouses which have been built at so considerable an expense will become mere almshouses and hospitals for the aged, the sick, and the young; while the able-bodied labourers, relieved directly or indirectly at their own houses, will, as formerly, be maintained partly by wages and partly by allowances from the poor-rates." If, as Mr. Poulett Scrope argued, the responsibility of the able-bodied wage-earner should include his times of sickness, his old age and the risk of a dependent and unprovided-for family, the above

indictment will lie against the system of administration pursued at the present day in 90 out of every 100 unions in the country.

The measures taken by the Commissioners practically abolished able-bodied pauperism. By the recommended use of the workhouse test, the condition of the able-bodied pauper was made inferior to that of the independent, and, by an additional effort, the labourer has attained to a position of independence. While able-bodied, he has maintained himself. A different course, by sufferance of the concession above quoted, has been pursued with regard to the other responsibilities of the able-bodied. His sickness, his old age, his widow, and his children are still provided for at "their own houses" by the poor-rate, with the consequence that he has failed to attain the same independence here that he has been able to attain elsewhere.

The question of the education of pauper children is, as its importance demanded, discussed at great length. At midsummer 1838, in 478 unions, there were 42,767 children under 16 living in workhouses. Taking an estimate for the whole of England and Wales, based on these figures, the Commissioners calculate that when the Act is brought fully into operation there would be about 64,570 children under 16, or 56,835 between the ages of 2 and 16.

The number of children in each workhouse rarely exceeds 50 or 60, and often is not more than 20. Aggregation, therefore, seems to be necessary, and a combination of unions for pauper education is strongly recommended. This view is supported by the report of the committee of the House of Commons. The committee had relied chiefly on the evidence of Dr. J. P. Kay. He describes, they say, "the education in workhouses to be necessarily bad, in consequence of

the occasional unavoidable intercourse with the other inmates of the establishment, the want of sufficient space, and the inferiority of the schoolmasters and schoolmistresses whose services can be commanded at the salary which each workhouse can afford to pay. It is his opinion that the children of the poor possess many advantages when brought up at home, in acquiring a skill in the common pursuits of industry and a knowledge of domestic economy, which can hardly be taught successfully in the workhouse. It would be his object to provide instruction of this nature. He mentions the schools of the Children's Friend Society at Hackney Wick and at Chiswick, and Lady Noel Byron's school at Ealing, and some Scotch schools, as instances in which the experiment has been made with success. Dr. Kay expresses his belief, that if unions were combined for the purpose of supporting county or district schools, a much more efficient system of instruction and training might be adopted, and at much less expense than attends the instruction now given in the workhouses. . . . Your committee cannot doubt that the schools conducted on the principles described by Mr. Hickson and Dr. Kay would provide for those unfortunate objects of charity an education which would be to them of the greatest value. . . . The committee have therefore no hesitation in recommending that the Commissioners be empowered, with the consent of the guardians, to combine parishes or unions for the support and management of district schools, and to regulate the distribution of the expenses of such establishments."

Several boards of guardians are also quoted as having urged the necessity of making a "central school," and an experiment which had already been tried under the 7 George III. cap. 39, is cited as having produced very beneficial effects. Under the provisions of this Act, pauper children under the age

of 6, belonging to 17 parishes without the walls of London, 23 parishes in Middlesex and Surrey, being within the bills of mortality and the liberty of the Tower of London, and of the 10 parishes within the City and Liberty of Westminster, might be sent to a school not less than 3 miles from any part of the cities of London and Westminster, there to be nursed and maintained of their respective parishes. Under this arrangement a large system of "farming-out the poor" had arisen. In Mr. Aubin's school at Norwood there were in December 1839, 1093 children from 4 unions and 4 parishes.

An interesting report of this school is given by Dr. Kay in an appendix to the Fifth Annual Report. After describing the not very satisfactory state in which he found the school, he proceeds to state the measures which he had taken for its improvement. He prefaces his remarks with the following apology for the incompetence and neglect of the guardians :—

"Impressed with the belief that the boards of guardians had been prevented, by the number and urgency of the duties devolving upon them since the passing of the Poor Law Amendment Act, from undertaking a minute inspection and careful revision of these arrangements, I visited the various boards and described the improvements, suggested by the experience of the Poor Law Commissioners, for their concurrence."

Although up to this date Mr. Aubin had found it impossible to get the several unions and parishes to agree to necessary measures of reform, Dr. Kay found no difficulty in getting his recommendations accepted. Practically, a free hand was given to Dr. Kay and his colleagues to improve the management. The school seems also to have been used for the apprenticeship of teachers, an expedient from which it was hoped that a staff of suitable teachers would be supplied to other

districts. The "simultaneous method" of large classes answering in chorus was adopted and thought satisfactory, and the "synthetical method" of leading children from the known to the unknown by gradual steps is also approved. Dr. Kay, however, is opposed to the contract or farming system; and in an earlier report he sketches a plan for the building and management of a school to contain 450 children, for which he suggests the following plan of government:—

A representative board of management, from the guardians of the different boards which combine for educational purposes, should meet monthly at the school; a rota of three or four should, however, attend weekly. The establishment charge should be a common charge on the unions, and the maintenance and clothing on the several parishes. It is recommended that teachers should be procured from one of such establishments as the following:—The Central National School, Westminster; the Borough Road School, the Edinburgh Sessional School, the Glasgow Normal Seminary, etc.

The incongruity of subjecting a competent staff of teachers to the authority of the normal board of guardians does not seem to have struck the Assistant Commissioner. Supervision was of course necessary; but it would be difficult to have contrived any more unpromising body of governors than that which was to be found assembled in a London union board-room in the middle of the nineteenth century.

These reflections are suggested by a curious paragraph, which urges that "it is desirable to exhibit continually to the board of guardians the great importance and honourable nature of the functions of a teacher." Dr. Kay's apprehension that such a recommendation is necessary will suggest the cause of the comparative failure of the system of district schools. Dr. Kay, an educational expert, had little difficulty in

introducing some amendment into Mr. Aubin's school.[1] In ordinary life men take to trades and professions because they have some aptitude for them. The probability that local Poor Law elections will collect together educational experts is very remote; and confining our criticism to the relative merits of management by selected experts and by elected empirics, we can have no doubt that the administration of pauper schools has suffered because the controlling authority has been too exclusively confided to the latter class.

The expectation that a board of guardians composed largely of small tradesmen, many of them illiterate, elected for the various and irrelevant reasons which influence the return of a London board of guardians, would prove completely successful in managing, in their hours of leisure, a number of large schools must always remain a strange instance of human credulity. It is only paralleled by the belief of another class of Poor Law educational theorists, who believe that the solution is to be found by the hiring of artificial parents at 4s. or 5s. a week for the children whom misfortune has made dependent on the Poor Law, and that such a system can be worked successfully under the supervision of those very guardians

[1] This school of Mr. Aubin's remained a farming-out or boarding-out establishment under his management till 1849. A similar school was that of Mr. Drouet at Tooting. In January 1849 there was a serious outbreak of cholera among the children in this last-named establishment. Out of 1400 children, 300 were stricken down, and 180 died. As a consequence, the schools were taken over by the Central London School District. The conduct of the guardians who sent children to the Tooting school, and, in spite of warning, refused to remove them, was severely criticised by the newly created Board of Health, of which Mr. Edwin Chadwick was a Commissioner. The following characteristic comment on his old enemy, the incompetent local empiric, is worth quoting: — "Here was a case where guardians in a state of ignorance as to the course which the occasion required, refused to be guided by the larger experience which they had no means of acquiring for themselves; and who occasioned by their mismanagement and delay a great loss of life."

who, these same theorists allege, have so grievously failed in their attempt to manage a school.

We shall have occasion to refer again to the fluctuation of public opinion with regard to the education of pauper children. It is sufficient, in this place, to note that here evidently is the beginning of those large schools which have recently attracted much adverse criticism.

The principle of combination is applicable, the Continuance Report goes on to say, to other classes, *e.g.* lunatics, idiots, and other afflicted persons. The defect of the present law, they say, is principally, that though it provides for dangerous lunatics there is no altogether satisfactory provision for harmless lunatics and imbeciles. Separate and combined workhouses for lewd women are also mentioned as a practicable alteration in the law. Some powers of combination already exist under 9 George I. cap. 7, but, in the Commissioners' judgment, a specific enactment is necessary.

The report next turns to the important subject of medical relief, the arrangements for which had hitherto been almost infinitely various. Some uniformity, since the passing of the Act, had been introduced, particularly in securing, in one way or another, the proper performance of the duties of the medical officers. With regard to their remuneration and appointment, the Commissioners have sanctioned various experiments in different parts of the country, and the time has now come when they feel called on to report on the comparative value of each.

The subject is discussed in great detail, and the Commissioners announce the conclusion that they favour a permanent appointment at a fixed salary for attendance on the existing list of sick paupers, and a fixed fee for additional cases. The payment per case permits the grant of relief to be made by loan, an arrangement which they approve as operating "to

encourage the labourer to provide himself with medical aid on easier terms, by subscribing beforehand to a sick club or friendly society." In coming to a conclusion, the Commissioners had endeavoured to meet the wishes of the medical profession, to secure adequate treatment for the pauper while giving no countenance to the idea that it was the duty of the guardians to afford universal and gratuitous medical relief.

The policy of combining the duties of the pauper's medical attendant with other public duties of a sanitary character is suggested by the example of Leighton Buzzard, where the guardians had secured the entire time and services of a medical practitioner, who attended both to the in-door and out-door poor of the union.

The Commissioners next quote and enforce the recommendation of the House of Commons' Committee, that, as the present system of audit is open to abuse, the Commissioners should have authority to appoint auditors, and also that the auditors should act for a large district. The auditors appointed by the guardians were apt to consider themselves as the servants of the guardians, and the task of disallowing and criticising accounts was not, under such conditions, efficiently performed.

Under the 46th section of the Act the guardians were given power to combine unions for the purpose of audit. In Kent, Norfolk, part of Sussex, and in Devonshire and Somersetshire, experiments in this direction had taken place. These had proved highly satisfactory. Even here, however, the appointment was made by the accounting parties, and even when combination for this purpose was agreed on, there was often difficulty in carrying through a suitable appointment owing to local jealousies.

Then follow some remarks on difficulties which had arisen in connection with the assessment and allowance of the poor-rate.

The board of guardians for the union is the dispenser of relief, but the overseers of the several parishes are the assessment and collecting authority. Sometimes through ignorance, and sometimes from a desire to embarrass the guardians, the overseers neglect their duty. This evil has been remedied by the 2 & 3 Victoria, cap. 84, which empowers guardians to issue distress warrants against the overseers when payments are in arrear. Previously to this, however, many boards of guardians had obtained from the Commissioners orders to appoint and pay collectors of rates. The 36th and 109th sections of the Act, in the opinion of counsel, warranted them in that course. The matter was, however, brought by writ of *certiorari* to the Queen's Bench, which declared against the legality of such appointments. The orders already issued had, accordingly, to be revoked. Much inconvenience appears to have been caused in some 4600 parishes to which orders had been issued, and a clause was introduced into 2 & 3 Victoria, cap. 84, legalising the Act of the Commissioners. They now ask that parliament should confide a general power to the Commissioners for the issue of such orders.

On the question of parish property, it is reported that great difficulties arise in dealing with the complicated titles of various subjects of parish property.

Houses built on wastes by paupers have sometimes fallen into the hands of parish officers, and have been used by them as "receptacles for other poor persons." On the building of workhouses, these and other tenements have become useless and dilapidated. Houses, too, have been bought with heavy mortgages on them. Much of this property is copyhold, which the parish officers are not qualified to hold, the property therefore has been vested in trustees; the trustees have interfered in the management, and sometimes have disappeared and died. The title to tenements had thus

frequently become complicated. The buildings, too, were often ruinous and dilapidated, as no funds existed for their upkeep. The Commissioners have no power of sanctioning a sale in the case where there are trustees. Many technical difficulties, therefore, have arisen in regard to title and the powers of guardians in respect to this question, and the Commissioners recommend legislation with a view of facilitating sale.

Some attention is then devoted to miscellaneous charges. Under 2 & 3 Victoria, cap. 71, sec. 41, guardians are authorised to cleanse houses in a filthy condition, at the expense of the occupier. It is suggested that the process should rather be at the charges of the owner, as the occupying class is a fluctuating one.

Authority to pay for prosecution of persons deserting their families and leaving them chargeable, or guilty of offences against the union officers and property, should, in the Commissioners' opinion, be provided.

On the question of the casual poor, it is pointed out that the liability of the parish where a casual poor person is found, is in practice inequitable, and they urge that the relief of the casual poor should be made a union charge.

The above and other amendments which they have thought it their duty to suggest, say the Commissioners, are all of minor importance. The Act of 1834 has accomplished all the main purposes for which it was passed. "The experience of more than five years has indeed proved that this important statute was framed with such skill, and that its provisions were so complete and effectual, as to accomplish all the main purposes for which it was passed by parliament." At the same time, they remind his lordship of the opinion expressed by the original Commissioners of Inquiry.

"We entertain no hope" (they said in their report

published in 1834) "that the complicated evils with which we have to contend will all be eradicated by the measures which we now propose. The mischiefs which have arisen during a legislation of more than 300 years must require the legislation of more than one session for their correction. In order to secure the progressive improvement from which alone we hope for an ultimate cure, and in order to bring the proceedings of the Commissioners more constantly and completely within the superintendence of the executive and the legislature, we propose that the Commissioners should be charged with the duty, similar to that which we now endeavour to perform, of periodically reporting their proceedings, and suggesting any further legislation which may appear to them desirable."

The appendix to the report contains an amended form of order prohibiting out-door relief to the able-bodied, signed by Mr. Shaw Lefevre and Mr. G. C. Lewis, and an instructional letter of explanation. These are chiefly remarkable, as already noticed, by the number and extent of the exceptions which the Commissioners were at this time inclined to sanction.

There follows a valuable report from Mr. Tufnell, strongly urging the necessity of district schools (*i.e.* common to several unions), apart from the workhouse and its associations. The same gentleman also furnished a report suggesting certain alterations of the law, in which he sets out the necessity of supporting the local administrator by the central authority. The more intelligent guardians were well aware, he says, of the wisdom of the new law, but they were not willing to incur the odium of a strict administration, unless supported by the orders of the Commissioners. Respectable yeomen and magistrates, he reports, had come to him and used language somewhat as follows: "We are convinced of the salutary operation of these rules; we will aid in carrying them fairly out, regardless

of opposition, as long as we are sustained by the authority of the Commissioners: yield to clamour, vacillate in your principles, and that moment we give up our attendance as guardians." In fact, the local guardians wished the central authority to take all the unpopularity of the new measure on themselves. "It appears to me," says this able public servant, "to be in the nature of a Poor Law that its worst abuses should be popular, and in a district such as this, where they had taken so deep a root, no restraining power should be refused that can tend to repress their growth, as none is so little capable of being misused by active exercise."

Sir Edmund Head, afterwards a Commissioner, but at this date an Assistant Commissioner, comments on the fallacy which, though often exposed, is most tenacious of life. "It is most curious to see how this dread of expense in single cases, and the insensibility to the fact that numerous and prolonged small out-door allowances amount to more than the cost of the few and short cases which enter the house, has taken possession of particular boards and clogs all their movements."

Mr. Twisleton, Assistant Commissioner for Norfolk and Suffolk, in an interesting communication, dwells *inter alia* on the way in which the new law had tended to restore the natural relations of kindness between employer and labourer and members of a family. Thus Mr. Cator, chairman of the Blofield union, and a person unfriendly to the new law, is reported as complaining of the prohibition issued whereby he was prevented from giving relief to an able-bodied man and his family at his own home, but, he goes on, "*if the wife had not a kind sister and friends to assist her family, among whom is her master, who has been very kind and generous*, it (the family) would now be in the union-house, at the expense of

24s. per week to the parish." This, of course, is the result for which the promoters of the new law hoped, and it is one which might be expected to arise in a great majority of cases.

Mr. Twisleton concludes his report with some interesting, though theoretical, remarks on the practical turn of the English character, and he is not afraid to point out the distinct shortcomings of a character so exclusively practical. "Bringing this character," he says, "to the consideration of the Poor Laws, they adopted and have maintained the workhouse test for the able-bodied, on account of the decisive and palpable reduction of the rates which it occasioned. . . . But the *principles* of the new Poor Law seem to have taken such slight hold on their minds that it is difficult to induce them to adopt any prohibition of relief which does not effect some immediate and perceptible reduction of the rates. I see in this peculiarity of character a practical difficulty which will embarrass the Poor Law Commissioners in every further measure which they may recommend, and which will prevent the future progressive improvement of the unions from corresponding with the sanguine anticipations of many benevolent men."

CHAPTER XIV

THE PROCEEDINGS OF THE COMMISSION TILL ITS DISSOLUTION IN 1847

The gradual adoption of the new Act—The agitation continues in the northern towns—Steps taken by the Commission to bring the whole country under the Act—Their concessions—Various details of the Commissioners' work—The temporary continuance of the Commission—Debates in Parliament—Mr. Ferrand—The intervention of Mr. Cobden—The continuance of the Commission for five years—Sir James Graham's Bill—Alterations in the Law of Bastardy—The relation between Free Trade and the Poor Law—The difficulty of Local Acts and of Settlement Laws—The Andover Scandal Inquiry—The Poor Law Board appointed to supersede the Commissioners—Debate in Parliament—The controversy between Mr. Chadwick and his official chiefs.

By the end of the fifth year the law had been introduced into the rural districts, and for the most part was working smoothly. Friction still continued in the towns of the north. The returns for the year ending May 1840 showed some increase of pauperism, but almost entirely in the manufacturing districts where the law had not been put into full operation. Elsewhere the results of the new law were statistically favourable.

The local authorities began now to settle down to their work, and we find the Commissioners, notwithstanding the insecurity of their tenure of office, busy in advising on various minor difficulties of administration. A few of the points which arose for consideration may be mentioned.

The relief of able-bodied widows with children was and is a subject of great difficulty to guardians. The Commissioners point out that 28,880 able-bodied

widows were on the quarter day ending 1839, receiving out-door relief on account of insufficiency of wages. They remark that much of this relief is probably unnecessary. In Westhampnett union (Sussex) the guardians had taken the view that relief to the able-bodied of either sex should be confined to the workhouse, with the result that out of their 37 parishes only 3 widows and 12 children had been obliged to accept this form of relief. They state in strong terms their belief that relief to able-bodied women does tend to reduce wages; and Colonel à Court, one of the Assistant Commissioners, is quoted for the opinion that in Portsea Island union the wages of women have been adversely affected by the small allowances of 1s. 6d. or 2s. a week which were given there systematically to women because of the deficiency of workhouse accommodation.

On the whole question of partial relief the Commissioners here and on all other occasions refer to the policy adopted by the labouring class in their own friendly societies. The rules of the friendly society, the Commissioners are never weary of pointing out, rigidly forbid their members working while receiving sick pay, and the same policy ought to obtain with regard to legal relief.

The question of non-resident relief is also considered, and its importance at this period is attested by the following figures. Out of 240,000 paupers, returned as either wholly or partially unable to work, as many as 40,000 are non-resident,—that is to say, they do not reside in the union from which they obtain relief, and are consequently beyond the reach of the immediate investigation and superintendence of the guardians. In the absence of such investigation and superintendence, many cases are fraudulently relieved, and many cases of real distress are inadequately treated. Among the non-resident paupers two classes seemed

to the Commissioners to require the special attention of the guardians, namely, able-bodied widows relieved on account of the insufficiency of earnings, of whom the computed number was 5500, and those partially able to work.

The guardians of the union of Atcham, Salop, at that time entirely a rural union under the guidance of its able chairman, Sir Baldwin Leighton, had taken the lead in this as well as other reforms. At the instance of the chairman they passed a rule that paupers should be relieved *within the union only.* When the union was declared the non-resident paupers numbered about half of the whole number chargeable. The way in which this abuse operated, and was subsequently reformed, is described as follows.

Among the defects of the old system was the general want of a test by which the destitution of the applicants might be proved; and in those parishes in which no workhouses existed, the non-resident paupers knew the parishioners would have great difficulty in finding a place for them, and in consequence often brought their wives and families to the overseer's house, insisting that he was bound to provide them with lodging, and refusing to leave his premises until their demands were complied with. In many instances the overseers, in order to get rid of them, complied with their claims, however exorbitant. Even in many parishes where poorhouses were established, from ill-judged notions of economy, the applicants were often bought off to return to their own homes, either with a sum of money or the promise of a weekly payment. Hence arose the abuse of paying non-resident paupers, who, not being under the eye of the parish, continued to receive relief when quite able to provide for themselves. In the case of Clypton, St. Mary, and Ravistock (Nolan, vol. ii. p. 368), it was laid down that "an order cannot be made under the 43 Elizabeth, cap. 2, except

to relieve the poor *residing within the parish.* For parishioners are not to be relieved *until* they are carried to their parish, which is bound to maintain them only so long as they continue there." Fortified by this interpretation of the law, the Atcham board determined to cease payment to its non-resident paupers. Out of 86 persons so struck off the list, only 12 failed to obtain an independent support, and became permanently chargeable. This statistical statement, however, does not represent the full effect of the reform, for it does not, of course, include the number of applications refused from non-resident paupers, nor the large number of those who refrained from application, knowing that their claim would be resisted.

The appendix to the Sixth Report includes a valuable communication from the St. Albans board of guardians.

Sandridge, one of the parishes contained in the union, appears to have requested that with regard to its poor a rule prohibiting out-door relief should be observed. The rule was then accepted by all the other parishes, and was to the following effect: "That except in cases of temporary illness, and those in which by the laws now in force out-relief is ordered to be given, and those cases in which it is now actually given, no relief shall be afforded but in one of the workhouses in the union." In virtue of this resolution the number of pensioners were reduced from 431 to 142. Among other proofs of the improvement resulting from this stricter administration, it is stated that great progress has been made by a local benefit society. The report concludes: "Much, however, yet remains to be done before the poor can be entirely weaned from that reliance upon parochial aid (so detrimental to habits of industry and forethought) on which they had so long been accustomed to depend, and which the system of out-door relief so greatly encouraged." This chronicle

of the fact that, with every restriction of parochial dependence, the increase of other and more honourable forms of maintenance can actually be seen, and statistically recorded, is the first note of a line of argument on which 30 years later much stress was laid.

Though the Commission's term of office was only renewed from year to year, its work went on without interruption. The reports continue to relate the gradual issue of the Commissioners' orders to the whole country. During 1841 a revised edition of the order prohibiting out-door relief to the able-bodied, with its list of exceptions, as already noted, was for the first time issued to many unions in Cornwall, Devonshire, Northumberland, Durham ; and accounts are given of the resistance still experienced in some of these unions. They remark, however, that the friction against the Prohibitory Order is at the beginning only. After trial it is found to work smoothly.

Owing to the desire of the board to avoid all appearance of arbitrary conduct, the Commissioners endeavoured more and more to conduct their business by means of general orders.

Accordingly a General Order[1] regulating out-door relief was issued 2nd August 1841 ; a Workhouse Regulation Order, 5th February 1842 ; Medical Regulations, 12th March 1842 ; General Order (Proceedings of Guardians), 20th April 1842 ; General Order (Duties of Officers), 21st April 1842.

In the Eighth Report, *i.e.* for the year 1841–42, we are informed that the General Prohibitory Order of 2nd August 1841 had been issued to 454 unions, and singly to 4 other unions. It had not yet been issued to 132 boards where the new law in other respects had been introduced. These consist of—

[1] This order is also alluded to as a General Prohibitory Order ; the distinction afterwards made between the Prohibitory and Regulation Orders had not as yet become definite.

(1) Rural unions having no or insufficient workhouse accommodation. These are situate chiefly in Wales.

(2) Metropolitan unions. These have workhouses, but they had not been put under the Prohibitory Order.

(3) Unions in manufacturing districts of Lancashire, Cheshire, and West Riding of York. These have small and ill-constructed workhouses.

Out-door relief to the able-bodied under a labour test, the alternative to the Prohibitory Order, the Commissioners point out, is not easily arranged in rural districts, but in towns it is said to have answered well.

The argument seems to be that, in the towns included in the 132 excepted unions, the out-door labour test was a suitable method of administration, and their reasons for not extending the laxer system to all rural unions are stated apologetically. A special order was issued for the regulation of this form of relief. The distinction has been maintained to the present day. The rural districts for the most part are under the stricter Prohibitory Order; while the towns, by the Regulation Order, are permitted to use an out-door relief labour test. This concession, we have seen, was condemned by Mr. Chadwick. Even by the Commissioners themselves the incomplete introduction of the principles of the law in the north country towns is occasionally cited as the reason of the unpopularity of the new law, and of the unmanageable pressure of temporary pauperism. The policy of the board was, however, to extend the issue of its orders only as they thought prudent. Thus in this same year, May 1841–May 1842, the order regulating out-door relief to the able-bodied was first introduced into many unions in North and East Ridings of Yorkshire, Northumberland, Westmoreland, and Cumberland. The abuses of the old law

had never been extreme in these parts, but the general objection to control felt by the less enlightened local bodies found other points for collision. The principal difficulty here seems to have been the rules relating to the relief of mothers with bastard children and persons not resident in the unions.

So strong was the objection to the new law with regard to bastardy in the Easingwold union, that the guardians had recourse to a novel method of obstructing the law, and attempted for a time to relinquish the duties imposed on them for the administration of relief. The Assistant Commissioner, Sir J. Walsham, attended the meeting of the board, and endeavoured, by the offer of temporary concession, to overcome the objections of the guardians. The local authority and the Commissioners finally came into conflict with regard to a woman with one illegitimate child, a case not excepted from the operation of the out-relief Prohibitory Order. The guardians wished to give out-relief in this case to the amount of 1s. a-week, on the ground that they had, some time previously to the issue of the order, passed a resolution to the effect that "deserving characters" not having had more than one bastard child, and being under 22 years of age, were fit objects for out-relief. The guardians were of opinion that this woman was a "deserving character," within the meaning of that resolution, and on this ground they sought the sanction of the Commissioners for the relief proposed. This sanction the Commissioners refused to give. Upon this the guardians resolved (21st January 1842) to retire from the administration of relief, and passed a resolution recommending the overseers of the several parishes to undertake the duties of relief as formerly. The Commissioners pointed out to the guardians that the Poor Law Amendment Act made no provision enabling the Commissioners to accept the resignation

of a board of guardians. The guardians therefore would be held responsible for any neglect or scandal which might arise in consequence "of their alleged renunciation" of their office. This letter had the effect of inducing the board (to the extent, at all events, of one *ex-officio* and two elected guardians) to meet and to resume its duties.

Severe distress was reported in 1841–42 in the cotton districts of Lancashire and Cheshire. Mr. Power and Mr. Twisleton, two Assistant Commissioners, were instructed to hold a full inquiry into the working of the law in the town of Stockport. The result of this extensive and detailed inquiry shows, in the Commissioners' opinion, that the operative classes of Stockport have been, and still are, enduring great privation, that it has been borne with patience and fortitude, and that all the extreme consequences of suffering (such as starvation and infectious fever caused by destitution) have been averted by the active and judicious measures of the board of guardians of the Stockport union.

The period was one of considerable trade depression, and the poor-rate, which had fallen from 1834 to 1837, after that year began again to rise. The Commissioners point out, and the remark holds good with regard to all statistical computations, that in instituting a comparison between 1834 and 1841, it is necessary to compare the expenditure of 1841, not only with that of 1834, but with what it would have been under an unreformed Poor Law attempting vainly to deal with an increased population, a high price of food, and manufacturing distress.

A serious case of overcrowding in the workhouse was reported from Sevenoaks union, where an epidemic of "glandular swellings" broke out among the children. The guardians had excused themselves from making additional accommodation, on the plea that they were

waiting for such change in the law as would sanction a combination of unions for the purpose of building a school. A similar complaint as to overcrowding in workhouses in the unions of Nottingham, Chorley, and York obliged the Commissioners, after due inquiry, to limit by peremptory order the number of persons to be admitted to the old workhouses in Nottingham.

Nothing short of a careful perusal of the Commissioners' reports can convey an adequate idea of the enormous variety and detail of the subjects on which the Commissioners were consulted, and in some cases required to issue regulations. Our plan of bringing the situation before the reader is to select almost at random a few specimen incidents, reserving some more important subjects, the treatment of which extended over a long course of time, for separate treatment.

One of their most troublesome duties continued to be the winding-up of the liabilities of the old parish administrations. It appeared from a return to parliament that at the passing of the Act of 1834 there was £370,556 owing by different parishes. Of this, £177,732 had already been paid off, of which £93,048 had been received from the sale of parish property, and £84,684 from the poor-rate or from subscriptions or voluntary rates. So that £192,824 seemed still to be due.

This return is the result of a circular letter addressed to 13,000 places in England and Wales. Ultimately returns from all but about 200 were received. Some were incorrect and others defective. As far as possible these errors and omissions were put right. In many cases parochial charities had got mixed up with the poor-rate. Of the sum owing, £100,281, and, in addition, annuities to the extent of £2791 per annum, appeared to be secured on the rates. The residue, however, was secured by the per-

sonal bonds of the parish officers and inhabitants. Some of this debt, *i.e.* £176,283, was legally repayable out of the proceeds of the sale of parish property, but the residue was not so payable, and had to be provided for otherwise. The Gilbert union bonds were even more difficult to deal with. The holders could insist on having the debt repaid in full, and not by instalment; and the ratepayers were not compellable to pay out of the poor-rate. The position was governed by numerous Acts of Parliament, but these were not sufficient, and the whole question was pronounced by the Commissioners to be in an impracticable position. The liquidation of these equitable but not strictly legal debts was facilitated by the 5 & 6 Victoria, cap. 18.

The Commissioners record from time to time fluctuations in the rate of pauperism. In 1842, during January, February, and March, the average price of wheat was 60s. 7½d.; in the same period of 1843, 47s. 11½d., and there was a similar fall in the price of meat. These low prices, it is said, were unfavourable to agricultural enterprise; but, this discouragement notwithstanding, the new law was declared to be working satisfactorily, and the rise of pauperism, such as it was, took place in the town and not in the country unions. The increase is attributed by the Commissioners to the fact that there was a real depression of trade in the manufacturing districts, and further to the fact that the remedy of the new law had not been applied there.

The year 1847, according to the Thirteenth Report, was a year of high prices. In 1846 a quarter of the six principal grain and pulse crops could be bought for £10, 9s. 2d., while in 1847 the price for the same was £16, 5s. 6d. Pauperism, which had been again decreasing till 1846, began again to increase as the result of bad seasons and high prices. The fluctuations,

however, were not serious, and the Commissioners saw no reason to recall their deliberate and important verdict given in the Eleventh Report, to the effect that the growth of pauperism was no longer inevitably progressive, but that it was subject to control. This, indeed, is the moral of all careful study of Poor Law administration. Vacillation and fluctuation are not caused by any reasonable doubt on this head, but because there is a natural reluctance on the part of the public to apply a stringent remedy to the present generation for the sake of the future, and also because the public, so long as pauperism is kept within what it considers reasonable bounds, is strongly averse from any serious treatment of the subject.

Additional duties in respect of registration, vaccination, and general sanitation were from time to time confided to the guardians and to the board that controlled the guardians, and the purport of these and other Acts of the legislature were carefully explained by the Commissioners in circular letters to the local authorities.

We pass gladly from these minor and uninteresting details and return to a consideration of the political situation.

After being three times continued from year to year, the Commission, by the Act of 5 & 6 Victoria, cap. 57 (1842), was secured in office for another term of five years. In the summer of 1841 the Whig ministry resigned, and was succeeded by Sir R. Peel. The responsible leaders of the party, Sir R. Peel and the Duke of Wellington, were pledged to continue the Poor Law policy of their predecessors. Many of their followers, however, had sought popularity at the hustings by the easy device of raising prejudice against the new Poor Law. The opposition to the third temporary continuance of the Commission, which was carried through parliament by the new Government

in September and October 1841, was not serious in weight or character. Recriminations passed between the rival parties in the House, and some show of redeeming electioneering pledges had to be made. Conspicuous in violence and recklessness was Mr. Ferrand, the newly elected member for Knaresborough, for whom it may at least be said that he fully redeemed his election pledges. Others were either less sincere in their opposition to the new Poor Law, or more amenable to party discipline. In this debate, as well as in those which attended the passing of the 5 & 6 Victoria, cap. 57, in May and June of 1842, there were repeated in wearisome iteration stories of hardship under the new law, and these were capped by horrible details of maladministration under the old law; but the argument in favour of retaining the Commission was clinched by the observation, that if these abuses were in fact still rampant, it was all the more necessary to create a powerful control for the purpose of supplementing and reforming the shortcomings of local administration.

In a debate raised by Mr. T. Duncombe, who moved for an inquiry into the administration of the Gilbert unions, Sir R. Peel complained that no member of the late Government was present to support the policy of the legislation for which they were mainly responsible. Peel himself, it may be remarked, had not given any active assistance to the passing of the law in 1834, and throughout all these controversies there was no great eagerness, on the part of the opposition for the time being, to relieve the Government of the day of the difficulty of handling this thorny and unpopular subject. To abstain from seizing the advantage to be gained by a spirited opposition to Poor Law reform must, we suppose, be deemed a high, if not the highest, level of patriotism.

Mr. Escott, M.P. for Winchester, taunted the Whigs for raising a Corn Law agitation in order to cover the unpopularity of their Poor Law legislation. A violent attack on another occasion was made by Mr. Ferrand on Dr. J. Phillips Kay. This gentleman, it was said, before entering the employment of the Commission, had set out with great force the sufferings of the labouring population in towns, more especially in Manchester, where he was engaged in private practice, but as soon as he was appointed Assistant Commissioner he began to advocate the migration of the rural population to the factories. The opponents of the measure, however, were by no means unanimous on the grounds of their opposition, for when the Government took credit to itself for the appointment of Sir Edmund Head, a political opponent, to succeed Mr. Shaw Lefevre in December 1841, Mr. Wakley, a bitter enemy of the new Poor Law, but the proprietor of a medical journal, the *Lancet*, remarked that if the Government had wished to satisfy the country they should have appointed Dr. Kay to the Commission. The inconsistency pointed out by Mr. Ferrand is easily explained. An impartial and benevolent observer like Dr. Kay might well be impressed with the unsatisfactory condition of the crowded parts of large towns, but his consciousness of these evils could not blind him to the injustice of a system which bound the rural labourer to his settlement, and deprived him of all motive to migrate, not necessarily to the large town, but to the home of the new industry, which at that time, at all events, was as often as not the open country-side of a Yorkshire or Lancashire valley.

The question of the Poor Law, however, was, as this episode shows, being merged in a larger issue. On the third reading of the Temporary Continuance Act, 1st October 1841, there was a significant intervention of a new member, Mr. Richard Cobden, who, in the

course of his remarks, contrived to say very little about the Poor Law, and a great deal about the restraints imposed on the manufacturing industry of the country by an impolitic fiscal system. In the following year Mr. Joseph Hume, who had been one of the most ardent advocates of the new Poor Law, spoke of withdrawing his support unless the Government took steps to open the foreign markets to our manufacturers by removing the protective duties on corn. This threatened revolt brought up Lord John Russell, who regretted the language of Mr. Hume, and pointed out, in effect, that two wrongs cannot make a right. An erroneous fiscal policy which acts cruelly and unjustly in reducing the value of artisan labour can be no excuse for restoring all labour, but principally agricultural labour, to the parochial servitude from which it was the object of the new Poor Law to rescue it.

Owing to the pressure of time the scope of the Act of 1842, which had been intended to carry out the recommendations of the Continuance Report, 1839, was considerably reduced, and contained little more than a continuance of the Commission for five years,—that is, "until the 31st July 1847, and the end of the then next session of parliament." The renewal of the Commissioners' tenure of office, even for so short a period as five years, tended to quiet agitation. When, two years later, Sir Jas. Graham, on 10th February 1844, introduced a further amending Bill, the opposition in parliament had grown less bitter. The minister handled the matter in a very adroit and conciliatory manner. Many of the concessions and arguments which he offered must have appeared to the more ardent supporters of the new law to compromise seriously the logical strength of their position (see Nicholls, vol. ii. p. 391). He pointed out with some exultation that, in 1843, 85 per cent. of the Poor Law

relief given throughout the country was out-door relief, and only 15 per cent. in-door. It was therefore entirely erroneous to say that the new law involved a prohibition of out-door relief.

The Act (7 & 8 Victoria, cap. 101, known as the Poor Law Amendment Act, 1844) passed without serious opposition. The changes it introduced were of some importance.

It altered the scale of voting, equalising the scale as between owners and ratepayers.

It provided for the division of parishes into wards for election purposes, and for the combination of parishes and unions into districts for purposes of audit, schools, and asylums for the casual poor.

It authorised the Commissioners to unite local Act parishes containing less than 20,000 inhabitants. If the population was over that limit the consent of two-thirds of the guardians still remained necessary.

It was further provided that a married woman whose husband was absent beyond sea, in custody, or confined as lunatic, might be treated as if she was a widow.

It also amended the bastardy laws, and as this complicated and obscure question may from hence-forward be said to have ceased to be a part of the Poor Law, a brief summary of the course of legislation may here be attempted.

The report of 1832–34 had pointed out that the *intention* of the bastardy laws, as they then existed, was to indemnify the parish for relief given to a bastard child, by enabling it to compel the putative father to contribute to its maintenance. The *operation* of the law, however, was to enable the mother to recover a weekly payment, which the parish transferred to her as a matter of course. The parish even went further, for it usually guaranteed to the mother the payments ordered by the justices. The system gave

rise to abuses which have already been noticed. The Commissioners of Inquiry accordingly recommended that the bastardy laws be entirely abolished, and that the mother alone should be responsible for the maintenance of the child. "This," they remark, "is now the position of a widow, and there can be no reason for giving to vice privileges which we deny to misfortune."

In this sense the Act of 1834 was originally drafted, but by a clause introduced in the Commons the parish was empowered to obtain at petty-sessions an order of maintenance against the putative father of a bastard that had become chargeable. In the Lords the tribunal of the quarter-sessions was substituted; corroboration of the woman's evidence was required, and no part of the money so recovered was to be paid to the woman. The clause was purely in the interest of the ratepayer, and was not intended to furnish a civil remedy to the woman or to have a penal effect as against the man. Procedure before quarter-sessions was necessarily dilatory and costly. The magistrates of the county of Nottingham and other bodies protested vigorously. The Commissioners replied that the legislature, by prescribing this cumbersome procedure, had evidently intended to discourage such applications. This line of argument did not prove convincing. The select committee which in August 1838 reported on the operation of the new law, while expressing agreement with the report of 1832–34, recommended that a simpler procedure should be devised to give redress to the woman.

Lord John Russell, by the 2 & 3 Victoria, cap. 85, gave effect to this advice by substituting the tribunal of two justices in petty-sessions instead of quarter-sessions, but he conferred no new right on the mother of the bastard. The tactics of the legislator of 1834, who is supposed to have discouraged affiliation by

prescribing a cumbrous procedure, were thus reversed. The Commissioners vainly endeavoured to impress on the local authorities that their sole interest and duty in the matter was to obtain indemnification for the parish in respect of the chargeability of the destitute bastard. This did not satisfy the public, who wished the parish to strain the Act in order to provide a civil remedy for the woman and a penalty for the man.

The position was clearly illogical. The question whether the mother of an illegitimate child should or should not have rights of affiliation is one on which opinions may differ. The negative is argued with great force by the Commissioners of Inquiry, and with much curious learning and research by Sir E. Head in his report published in the Sixth Report of the Commissioners.[1] There can, however, be only one opinion that the right of affiliation ought not to depend on the fact that the child has become chargeable to the parish.

The Commissioners, in a report which they furnished to Sir James Graham in January 1844, were driven to assume, obviously with some unwillingness, "that affiliation is to be facilitated." They then observe, "that the best mode of accomplishing this end is to give an independent civil remedy to the mother of the bastard, as such, and not as a pauper, against the putative father; and thus to remove the barrier which the necessity of chargeability now interposes between the woman and her means of legal redress." They accordingly advised that the existing remedy of the parish should be repealed, and that the justices should be given the power of making an order against the

[1] According to the Code Napoléon, in the case of bastard children, *la récherche de paternité est interdite.* According to Mr. Davy (Report on Elberfeldt, p. 18), it was the opinion of experienced Poor Law administrators, in the Rhine provinces where the Code Napoléon is still in force, that this restriction works advantageously, and tends to lessen the rate of bastardy as compared with other parts of Prussia where the mother has a remedy against the father.

putative father, on the application of the mother, supported by the necessary corroborative evidence.

Sir James Graham adopted this view, and in introducing the Bill rehearsed the history of legislation on this subject. He saw that there was a tendency to revert to the practice which obtained previous to 1834. To this he was strongly opposed, and in his judgment the only plan was to dissociate the bastardy laws from the Poor Law. The Act accordingly provides a summary method of procedure before the magistrates, as between the man and the woman; and the parish officers were directed to take no part in the proceedings. Henceforward the bastardy laws, theoretically at all events, are dissociated from the Poor Law. Subsequent legislation has conferred on the parish the right of attaching, and in certain cases suing for, the monies due from a putative father for the maintenance of a bastard child; but this is logically merely part of the duty of guardians to protect the ratepayers by attaching and applying to their maintenance any monies that belong to the paupers chargeable to the union.

The forces and the arguments which were to convert Sir Robert Peel to the doctrine of free exchange were growing urgent and irresistible, and Mr. Cobden's intervention was by no means irrelevant. There are two factors of paramount importance which must be ever borne in mind in considering the problem of pauperism. One is the absorbent power of the economic system based on exchange, and the other the *vis inertiæ* of the primitive status of poverty, which, by the aid of the maintenance guaranteed by the Poor Law, has been artificially given an active, constructive, and absorbent influence. These are the rival forces which contend for the control of the motives and fortunes of the labouring population, the good and the evil influences which overshadow the economic life of the poor. It is

an error to suppose that international free trade is the last word which is to be said of the economic system of free exchange. It is, on the contrary, an almost insignificant incident in a very far-reaching theory of social organisation. The economic principle by which material satisfaction has to be distributed throughout an industrial community is exchange. Viewed from this point of view, the Poor Law Amendment Act of 1834 was an emancipatory Act. It withdrew a section of the population from reliance on a statutory maintenance, to which they had been condemned by centuries of local misgovernment, and thrust them forward to take part in the automatically evolved organisation of exchange. This act of emancipation made a sudden increase to the population which henceforward must be dependent on the free industry of the country. A free community, drawing its maintenance from an organised system of exchange, has each year to provide for an expanding population, and succeeds in doing so. This necessity, however, became especially urgent on a society recently increased by a population emancipated from parochial servitude. The repeal of the Corn Laws was therefore an inevitable and logical corollary from the emancipation of the pauper.

Unfortunately, the tardy removal of the obsolete framework of an older social organisation did not at once qualify the emancipated population for a new order of life. Mr. Cobden's successful agitation opened up a new world to English industry, but it could not undo the work of centuries of restriction. A purely proletariat population is an anachronism in a society maintaining itself on a basis of free exchange. To a mediæval state, where every man had a certain property secured to him by custom or statute, in a vaguely defined parochial or national fund, the conception of an independent labourer is altogether foreign. The policy of the early Poor Law was the artificial preserva-

tion of an unpropertied class. During the period of transition which must elapse before the labouring population acquires property, the short-sighted sentimentalist is constantly urging us to go back to the flesh-pots of a statutory dependence, to that condition of slavery which Mr. Senior has so forcibly described in the passage quoted on an earlier page.

The modern State has to contend with what physicians would call the *sequelæ* of mediæval communism; and, as the result of the obstructions, too tardily removed by the Poor Law Amendment of 1834, and the repeal of the Corn Laws, an unsocial proletariat habit has been acquired by a section of the population, which cannot be unlearnt in a generation; and the baneful effects of this are with us to this day.

At the time of which we are now writing, two sections of the Poor Law, imperfectly dealt with in the Act of 1834, still impeded the emancipatory influence of the new law, and, by reason of their hopeless and mischievous confusion, urgently called for the attention of reformers.

The history (1) of local Acts and (2) of the Law of Settlement is extremely interesting, as showing, on the one hand, the disinterestedness and good intention of all legislatures, and at the same time the hopelessness of dealing with grave questions of principle in a purely empirical spirit.

In order to bring some sort of order into the chaotic responsibility fastened on local bodies by the 43 Elizabeth, cap. 2, various parishes and combinations of parishes had obtained private or local Acts of Parliament conferring on them appropriate powers for the better administration of the Poor Law. The 22 George III. cap. 83, commonly known as Gilbert's Act, established general permissive powers of combination, which had been largely adopted by parishes throughout the country. At first these acts undoubtedly resulted in an

improved administration, but the measure of reform at the date of the Poor Law Amendment Act had either disappeared or fell far below the level which reformers then considered practicable and necessary. Unfortunately the Act of 1834 did not give the Commissioners power to dissolve these incorporations, or to deal in all respects satisfactorily with the places enjoying a local Act. As a result, therefore, these earlier reforming Acts became the principal obstruction to the improved administration introduced by the Act of 1834. The Act of 1844, as above-mentioned, made a slight but altogether inadequate attempt to give the Commissioners the necessary powers. For the convenience of the reader, this important question has been reserved for separate treatment in another chapter.

The history of the Law of Settlement is not less instructive. The conception of settlement implies a complete theory of society. It assumes the immobility of labour in the place where it happens to be settled. The impossibility of restraining population in this stagnant condition obliged the legislature or the law courts from time to time to relax the definitions of settlement. The idea, that a man must have a settlement somewhere, remained, and as a consequence these partially emancipatory Acts permitting various methods of acquiring settlement gave rise to what has well been called a "dirty warfare" between 15,535 parishes, each of which became the direct antagonist of the other in a miserable contest, which consisted in driving the poor hither and thither. The Poor Law Amendment Act merely abolished some of the methods by which a settlement could be gained; the small amending Acts had, in fact, given rise to so much chicane and oppression that, on the advice of the Poor Law Commissioners, the legislature took a considerable step back towards the original and simpler conception of the Law of Settlement. This change in the law

lessened litigation, but by no means removed the objectionable features of a system whereby the labourer was, for the purposes of relief, regarded as an *adscriptus glebæ*. The real gain provided by the Poor Law Amendment Act was not the reactionary movement in respect of settlement, but the Prohibitory and Regulation orders which cut the able-bodied labourer altogether adrift from parochial relief and parochial settlement, and, in so far as he, as a rule, refused to accept relief in a workhouse, altogether deprived him of the so-called benefits secured to him by the statute of the 43 Elizabeth. It is not surprising, therefore, that the difficulties connected with the law of settlement, not being removed by the reform of 1834, suggested to many the policy of "reforming it altogether."

The first important step towards the complete emancipation of the settled labourer was contained in the Poor Removal Act, 1846, that is, the 9 & 10 Victoria, cap. 16. It will be more convenient, however, to treat this subject in a special chapter, and to pass now to the events which brought about the dissolution of the Commission and the appointment of the Poor Law Board in its place.

A favourite form of task work prescribed by the local authorities for their paupers was bone-crushing. Objection had been raised against it, and the Commissioners had discouraged it, but they had not seen their way to enforce any general prohibition. In the union of Andover some of the paupers were found eating the marrow contained in the crushed bones. Public attention was called to the subject. The opponents of the law contrived to make this unpleasant but not very important incident into a great public scandal. A motion was made for a committee of inquiry. It was resisted by Sir James Graham, the Home Secretary, who spoke of the matter as a workhouse squabble in the south of England; but he was obliged ultimately to

give way, and the Government was also beaten on a proposal by Mr. Christie to refer the dispute between the Commissioners and one of their Assistant Commissioners, Mr. Parker, to the consideration of the same committee. The inquiry was conducted in a very bitter and partisan spirit.

It appeared that when the complaint was first made the Commissioners sent their Assistant Commissioner, Mr. Parker, to hold an inquiry on the spot. In addition to the bone-crushing complaint, serious allegations were made against Macdougall, the master of the workhouse. The evidence against him rested for the most part on the uncorroborated testimony of some worthless women. The charges were denied, but Macdougall thought it prudent to resign; the inquiry therefore, as far as he was concerned, came to an end, and no action seems to have been taken against him in the civil or criminal courts. Mr. Parker had a most difficult part to play. It was a period of chartism and violent political agitation. Local feeling ran so high that a judicial consideration of the subject was impossible. Mr. Parker did his best to restrain the passion and irrelevancies of the various witnesses; and it is quite possible that he displayed some desire to wind up an inquiry into a disturbance which was entirely of a personal character. Dissatisfaction was expressed by Sir James Graham as to the manner in which the inquiry had been conducted. This feeling was shared by the Commissioners, more especially by Mr. George C. Lewis and Sir Edmund Head, and was acquiesced in by Mr. Nicholls, and Mr. Parker was invited to resign his post of Assistant Commissioner. Mr. Parker may have been lacking in the temper and tact required in his difficult position, but it is impossible to avoid the conclusion that he was made a scapegoat in this unfortunate business. Sir James Graham was called on to answer for a grave mis-

carriage of administration. He found that an abortive inquiry had been held by a subordinate of the central office. The Commissioners had for themselves a perfect answer to adverse criticism. They had endeavoured to stop the use of the bone-crushing test work, and the local union was alone responsible for a disregard of this order and for the malfeasance of Macdougall, its own subordinate officer. Mr. Parker did not improve his relations with his official chiefs by reviving Mr. Chadwick's contention that the Commission was not fully constituted for the transaction of business without the presence of the secretary. To raise such an objection in the height of a controversy with his chiefs had the appearance of an act of insubordination, and it is impossible not to suspect that the whole of this trouble was much fomented by the unfortunate differences which existed between the secretary and the Commissioners. In the parliamentary inquiry, to which Sir James Graham was obliged to assent, the Andover scandal soon became of secondary importance. Mr. Chadwick and the Assistant Commissioners, Mr. Parker and Mr. Day (the last for other reasons had also been invited to resign), had their advocates on the committee. To them were joined, for the purpose of exciting public prejudice against the law and the Commissioners, a large party of irresponsible malcontents. They were not deterred from making capital out of the scandal by the remembrance that Mr. Chadwick's difference with his colleagues arose ostensibly out of the fact that in his opinion the board had been remiss in enforcing the law which they, its opponents, denounced as cruel and unchristian. The committee found that the Andover board was in many respects blameworthy, and that Mr. Parker and Mr. Day had not been fairly treated. The important result of the inquiry was, that the Whig Government which had succeeded the great ministry of Sir Robert

Peel, decided to make a change in the constitution of the Commission.

On 3rd May 1847 Sir E. Grey, the Home Secretary, introduced a Bill which became the Poor Law Board Act, 1847. The authority of the board of three Commissioners originally appointed by the Act of 1834 would shortly expire by effluxion of time. For reasons that have been stated, the Commissioners had not been political officers. They had therefore laboured under the disadvantage of having no responsible representative in parliament. To remedy this, and also in order to get rid of the mass of inconvenient and irrelevant controversy in which the old board was involved, the Act provided for the formation of a new board, to consist of the Lord President of the Council, the Lord Privy Seal, the Home Secretary and the Chancellor of the Exchequer, as *ex-officio* members. A president, with a casting vote, was to be nominated by the Queen. Two secretaries were also to be appointed. The president and one secretary might sit in parliament. The president of the Poor Law Board and the parliamentary secretary thus became the official representatives of the Commission in parliament, and practically the business of the department was left in their hands. The responsibility of the *ex-officio* members was purely formal. The Bill contained, in addition, a clause forbidding the separation of married couples over 60 in the workhouse. The Commission was also authorised to appoint a visiting committee for the workhouse if the guardians themselves failed to appoint.

The provisions of the Bill were well received, and the debates attending its passage through parliament were mainly concerned with the personalities brought to light in the Andover inquiry. Some of the speeches made are interesting, as showing the attitude of parties. Mr. Roebuck, for instance, declared that the Com-

missioners had flinched, and that the opposition to their authority was due to this cause. This view was adopted by Lord Brougham, who pronounced in the House of Lords a eulogy on Mr. Chadwick, with whom he associated Mr. Nicholls. Mr. Nicholls throughout the Andover inquiry had most loyally identified himself with his colleagues, and though Lord Brougham's remarks were perhaps based on his knowledge of the private views of the persons concerned, Mr. Nicholls' occasional dissent from his colleagues had never led him into the obstructive courses adopted by Mr. Chadwick.[1] Lord Brougham also added that the Commissioners had been too sensitive to public criticism. The views of Mr. Roebuck and Lord Brougham may be considered as fairly representative of the Benthamites or so-called philosophical radicals.

Mr. Charles Villiers, on the other hand, whose great services in the cause of Poor Law reform have never been fully appreciated, took the official view. He entered on an able defence of the Commission, and attributed the recent difficulties to the insubordinate conduct of Mr. Chadwick. Public business, he contended with unanswerable force, cannot be conducted if subordinate officials are allowed to set their own views, however enlightened and just these may be, in opposition to those of their official superiors.

Mr. Disraeli, who had been a member of the Andover committee, repeated his predilection for a local control, and amused himself and the house by inquiring how it was that "this monster in human shape," as Mr. Chadwick was represented, and as he (Mr. Disraeli) believed him, to be, had not been removed. This undoubtedly touched the weak point in the defence of the Commissioners. The answer (as far as answer is forthcoming) is that the Commissioners did not feel themselves strong enough to dismiss their secretary.

[1] For Mr. Nicholls' attitude in this matter, see vol. i. p. lxv.

His appointment, though nominally in the hands of the three original Commissioners, was dictated to them by the Government. He had many supporters in parliament and the press; and in the intervals of controversy he pursued useful inquiries into sanitation and kindred subjects. His dismissal would have completely unmuzzled him, and given him a full leisure for controversy. He subsequently was appointed a Commissioner of the Board of Health, where, as Sir G. Lewis remarked in a letter to his colleague, Sir E. Head, "it is hoped he will keep quiet." Quiet, however, was not a characteristic of Mr. Chadwick, and here also his exuberant energy soon involved him in controversy which ultimately brought about a dissolution of the board. His great knowledge, ability, and industry are beyond question, and it must always be matter for regret that his country was not allowed to reap a larger benefit from his services.

Mr. Senior's estimate of his character (see p. 155) seems in large measure to be just. He certainly possessed in a high degree the power of applying a theoretical conception to practical administration. On the other hand, at all events when placed in the necessarily subordinate position of a public official, he seems to have been lacking in patience, and in that tactful knowledge of mankind which is just as essential as correct thinking for a successful administrative career. Even if he had been given the more responsible, but still subordinate, position to which his services and ambition pointed, it is very doubtful if his was the character and habit of mind which would have succeeded in overbearing the opposition of that numerous class of persons who are absolutely impervious to the reception of scientific reasoning as applied to politics. Mr. Chadwick was a scientific politician of a very absolutist turn of mind, and happily or unhappily the field of employment for a

character so combined is in modern politics narrowly circumscribed.

In the course of the debate Lord John Russell frankly admitted that it was he who had persuaded Lord Althorp, in 1834, to consent to the exclusion of the Commissioners from parliament. He was now, however, convinced that his earlier opinion was mistaken. There is among Mr. Senior's papers a copy of a letter addressed by him to Lord John in which he makes a similar admission. The minister added, that he was quite aware of the difficulties of connecting the administration of the Poor Law with party government, but it was, he thought, now unavoidable.

The difficulties of the Central Board of Control have by no means been removed by the presence of its official chief in one of the Houses of Parliament. Optimists reconciled themselves to the new departure by saying that the principal work of the Central Control had been performed. For the future there was undoubtedly much less friction, but it is equally true to say that the new form of control has, for good or for evil, been much less aggressive in forcing forward the principles contained in the great report of 1834. The Central Board had hitherto been the initiative force in all measures of reform. The new board still continued to suggest useful improvements in the law, many of which were carried into effect by the executive; but for the rest it has been content to chronicle and to recommend successful experiments carried out by the local authorities, and has not attempted to enforce their adoption generally throughout the country. It has confined itself to upholding the progress made by the first Commissioners. Its advice and influence have been continuously in favour of a sound policy of dispauperisation, but its legislative powers have been very sparingly used. This was the policy then deliberately inaugurated. It has caused

some disappointment to those who are firmly convinced of the justice of the principles laid down in the report of 1834, and of the vast benefit which would have accrued to the country by their general and complete adoption; on the other hand, it has commended itself to a long succession of political chiefs, whose desire, while pauperism is kept within reasonable limits, must always be to temporise with a difficult and unpopular duty.

END OF PART THE FIRST

PART THE SECOND

QUESTIONS RESERVED FOR SEPARATE TREATMENT

CHAPTER XV

GILBERT AND LOCAL ACTS

Reasons for treating this and certain other subjects separately—Local Acts were abortive attempts to amend the Act of Elizabeth—Bristol, Exeter, etc.—Sir E. Knatchbull's Act, a general but permissive Act—Gilbert's Act—Sturges Bourne's and Hobhouse's Acts—Mr. Twisleton's Report of 1843 –The various steps taken to remove the exemptions from the general law conferred by Local Acts.

When the stormy career of the Poor Law Commissioners had come to an end we enter on quieter times. If the opposition to the law was in some respects louder and more violent, it was less formidable. It allied itself with chartism and the revolutionary propaganda. The orderly section of the public was alarmed, and the maintenance of the law was assured. The period 1842–71 was largely concerned in developing some aspects of reform which had been imperfectly dealt with in the Act of 1834.

We propose in this section of our task to deal with the reserved questions of Local Acts, Settlement, Vagrancy, Education, the Incidence of the Rate,—subjects which occupied very largely the attention of the new board, and, as illustrating the working of the law at a time of industrial crisis more particularly as it affects the able-bodied, we have added a sketch of the Lancashire cotton famine, the most important

episode which occurred during the period of the jurisdiction of the board. It need hardly be pointed out that political and economic problems do not begin and end with the abruptness which this method might seem to imply, but in order to make certain minor but yet important episodes intelligible, it is necessary to deal with them separately. Such digressions are most conveniently introduced at the point where the subject in hand assumes a critical aspect. By retrospect and by anticipation the attempt is then made to present them each as a whole. To record all the multifarious details of each separate branch of a subject so large as the history of the Poor Law, in one consecutive chronological narrative, is impossible.

With this apology for the procedure adopted we pass on to notice the bearing of local Acts on the general history of the Poor Law.

As already noticed, previous to the passing of the Act of 1834 many parishes and combinations of parishes had procured private Acts of Parliament for the better "management of the poor," or had availed themselves of the several general Acts which, under certain conditions, enabled parishes to contract themselves out of the ordinary law. Of the nature and origin of this legislation, which afterwards had the effect of exempting parishes from the control of the Commissioners, a brief account must be given. A local Act was in every case a premature and generally an inadequate attempt to reform the abuses which were more completely dealt with by the Poor Law Amendment Act. As has been already pointed out, if the Act of Elizabeth had been strictly construed, and had not been extended by the giving of relief in aid of wages to the industrious poor who followed an ordinary and daily trade, there would have been less occasion for amending Acts. The law, however, had to

be administered by ignorant and illiterate men, and never was or could have been strictly construed. It was at first largely neglected, more especially in the northern parts of the kingdom, as the preambles of numerous Acts of Parliament sufficiently prove. When it got into full operation, abuses and dissatisfaction arose in all considerable centres of population.

Towards the end of the seventeenth century, when the various general Acts passed for the improvement of the law failed to give the relief hoped for, a new policy was adopted in many localities. In 1696, finding the ordinary law very unsatisfactory, the City of Bristol, reciting its "experience that the poor in the City of Bristol do daily multiply, and idleness and debauchery among the meaner sort doth greatly increase,"[1] procured the passing of the 7 & 8 William III. cap. 32, "an Act for erecting hospitals and workhouses within the City of Bristol, for the better employing and maintaining of the poor." This is stated to have been the first local Act dealing with the administration of the Poor Law. It established a precedent which was of great convenience to localities where the authorities felt the pressure of the poor-rate and thought they saw their way to improve the administration of the law.

In 1698 similar local Acts were passed for Crediton, Tiverton, Exeter, Hereford, Colchester, Kingston-upon-Hull, and Shaftesbury; in the two following years for King's Lynn and Sudbury, and during the reign of Queen Anne for Gloucester, Worcester, Plymouth, and Norwich. We have noted already the Act, 9 George I. cap. 7 (Sir E. Knatchbull's Act), and the building of workhouses resulting therefrom. The effect of the Act was practically to facilitate the adoption of special measures, which were not authorised by the Act of Elizabeth, by parishes which desired to contract themselves out of the general law. Most of these experi-

[1] This recital is repeated verbatim in the Exeter Act, 1697.

ments failed because their authors were prepossessed by the idea that the pauper labour of the parish workhouse could be utilised for profitable enterprise.

In addition to the above-mentioned Acts, between the years 1722 and 1795 some 89 local Acts were passed affecting the administration of the Poor Law in towns and the great centres of population. Acts affecting rural parishes were also, but less frequently, procured. In 1756 the hundreds of Colneis and Carlford in Suffolk were incorporated under a local Act, 29 George II. cap. 79. Other hundreds in the same district followed this example, which is stated to have resulted in an improved administration and decrease of pauperism. In 1782 the 22 George III. cap. 83, known as Gilbert's Act, gave further facilities to parishes who wished to adopt a more business-like mode of parish government, and thereby contract themselves out of the worst abuses of the ordinary Poor Law. This Act required, however, for its adoption a two-thirds majority of owners and occupiers; and Sir F. Eden tells us that up to 1797 this permissive portion of the Act had not been largely adopted. In 1791 and 1792 local Acts were introduced into the county of Shropshire. In other places Gilbert's Act was found to provide a less expensive method of incorporation. Between 1795 and 1834 over 200 local Acts and amending local Acts were passed for town and country. It has been remarked that, considering there were over 15,000 parishes in England, it is a matter of wonder that so few had recourse to the expedient of a local Act to escape from the evils of the ordinary law.

This may be accounted for by the fact that many parishes, by 1834 at all events, had adopted Gilbert's Act, and did not therefore require a local Act. The 59 George III. cap. 12, commonly known as Sturges Bourne's Act, 1819, provided a further remedy to aggrieved parishes suffering from the irresponsible government of overseers. It authorised the inhabi-

tants to control these functionaries by the appointment of select vestries and paid assistant overseers. The Act was permissive, but it afforded a cheap and expeditious method of reform to parishes which adopted its provisions. In 1831, only eleven years after the passing of the Act, as many as 3249 parishes had appointed paid assistant overseers. In the same connection must be cited Hobhouse's Act, 1 & 2 William IV. cap. 60 (1831), which gave further facilities for vesting the administration of parish affairs in elected vestries. This Act and Sturges Bourne's Act of 1819 probably tended to diminish the demand for local Acts.

The fullest account of the extent of this special legislation is given in Mr. Twisleton's report of 1843, printed in the Ninth Report of the Commissioners. He states that at that date 53 Gilbert incorporations had been dissolved, accounting for 681 parishes. There were still 20 undissolved unions, accounting for 291 parishes. Further, a few (number apparently unascertained) single parishes had adopted the Act; of these, three still remained undissolved. In 1834, therefore, there must have been upwards of 975 parishes under Gilbert's Act; of these, 294 still remained undissolved in 1843.

Of the parishes under local Acts, Sturges Bourne's and Hobhouse's Acts, there is no precise enumeration given. Many of the places provided with a special Act offered no opposition to the introduction of the law, and some of the Acts were of so slight a character that they hardly constituted a departure from the ordinary law. Many local authorities were constituted by a single clause introduced into an Act dealing with some totally different subject, *e.g.* the local Poor Law legislation of Leeds consisted in a clause inserted in a Lighting and Cleaning Act, which merely directed that the number of overseers shall not be limited to four. Most of the local Acts were, of course, much more elaborate.

The Poor Law of England, therefore, in 1834 was the Act of Elizabeth modified, but not materially altered, by general statute, and also locally supplemented by a variety of private Acts, and also by the adoption of the permissive clauses of Sir E. Knatchbull's Act of 1722 (permitting the building of workhouses), of Gilbert's Act, and Sturges Bourne's and Hobhouse's Acts.

The Poor Law Amendment Act, 1834, gave power to the Commissioners—(1) To dissolve any union of parishes under local Acts, with the consent of two-thirds of the guardians of such union.

(2) To alter the mode of election in any parish or union under a local Act, with the consent of the majority of the owners of property and ratepayers.

(3) To unite, for the relief of the poor, parishes under local Acts with other parishes.

(4) To issue to all unions and parishes under local Acts, rules, orders, and regulations for carrying the Amendment Act into force.

The Commissioners had used all these powers freely, except the last. To this they had hesitated to resort, for except by consent, as above indicated, they had no power to supersede a refractory special authority established by a local Act, and they appear to have judged it unwise to issue their more peremptory form of regulation to bodies which were in a state of licensed revolt against their control. They put some constraint on themselves, therefore, in the issue of regulations to these semi-independent bodies. As far as relief was concerned, they were content, for the most part, with issuing Out-door Relief Regulation Orders instead of the more drastic Prohibitory Orders..

In many of their reports they pointed out the obstruction to uniform administration occasioned by their defective powers in this respect, and several abortive attempts at legislation were made. In 1843, with a

view of obtaining further information on the subject, an elaborate inquiry was made by the board's Assistant Commissioners. The result was published in their Ninth Annual Report. A general exposition of the subject was furnished by Mr. Twisleton, and detailed reports as to Exeter, Bristol, Canterbury, Oxford, Birmingham, Shrewsbury, Hull, Salisbury, Coventry, etc., and as to the education of pauper children in St. Pancras, were drawn up by other Assistant Commissioners. The result of these inquiries showed the prevalence of abuse. Favourable decisions of the courts made clear the powers of the Commissioners, who, thus encouraged, stated their "intention to take such further steps for the introduction of proper regulations into other parishes governed by local Acts as may appear to be demanded by circumstances."

Their grounds for this decision were the defective administration in local Act districts, and the obvious intention of the Legislation of 1834. The immunity from central control which the Act had conferred on local Act incorporations and parishes was clearly an inadvertence.

A local Act is not intended to exempt a locality from the general law of the land. Local Poor Law legislation had always been regarded with jealousy, and its operation had been restrained by two general Acts of Parliament, 54 George III. cap. 170 (1814), and 56 George III. cap. 129 (1816).[1] These repealed,

[1] The passing of this statute was actively supported by Sir Samuel Romilly. In one of the innumerable debates, when accusations of brutality were raised against the new law, Lord Brougham, replying as was usual by reciting some of the infamies of the old law, related how Sir S. Romilly inadvertently, and as a matter of routine, had found himself charged with the care of a local Act which contained provisions authorising punishments altogether abhorrent to the reformer of our penal code. The Bill was drafted on a well-known precedent, and merely exemplified the ordinary rude discipline of our ancestors. Sir R. Heron, who introduced the Act of 1816, tells of a girl manacled with a chain weighing 28 lbs., because she was suffering from an infectious disease, a proceeding apparently authorised by a local Act.

and for the future rendered void, clauses in local Acts either dealing with the law of settlement or authorising the corporal punishment of paupers by the officers of the Poor Law. Such provisions were obviously improper in local enactments. Similarly, it was now argued, the central control of Poor Law administration was intended to have a general effect, just as much as the law of settlement and removal, and the laws securing the immunity of unconvicted persons from arbitrary penal treatment.

They advert also to the impossibility of procuring proper accounts and statistics from so many variously constituted bodies. The principal inconvenience, however, arose from the arbitrary geographical grouping of the parishes which united themselves in the Gilbert incorporations. These were rarely contiguous, but were scattered about at considerable distances from each other. They obstructed the introduction of the law, not only as regards themselves, but also as regards the intermingled parishes which could not be formed into unions with the contiguous parishes, as prescribed in the policy followed by the Commissioners.

This detailed inquiry into the question of local Acts led to the first small but successful attempt to legislate on the subject. By the 7 & 8 Victoria, cap. 101, the approval of a two-thirds majority of the guardians was dispensed with in parishes of less than 20,000 inhabitants. This limitation of the power of dissolving local Acts to parishes under 20,000 inhabitants still left the metropolis and many large towns outside the reformed system which the central board was labouring to establish.

The case of the metropolis was dealt with by Mr. Gathorne Hardy, in the 30 Victoria, cap. 6 (1867). With regard to this measure the Poor Law Board in their Twentieth Report, for the year 1867–68, p. 15, remarks: "The difficulty which had previously stood in

the way of the establishment of a uniform system of administration of relief to the poor from the different provisions of the local Acts, passed at various times and on no fixed principles, and from the existence of different bodies constituted under those Acts which governed the administration of the law in the large metropolitan parishes, was removed by sections 73 and 74 of the Act referred to (the Metropolitan Poor Act, 1867). Those sections required the board by their order, notwithstanding anything in such local Acts, to direct the election of a board of guardians according to the general Poor Law Acts, and conferred upon those guardians the same powers and authorities, and subjected them to the same orders, regulations, and restrictions, as boards of guardians elected under the Poor Law Acts." The Poor Law Board, accordingly, had now for the first time issued orders for bringing the greater part of the metropolis into the system inaugurated by the Poor Law Amendment Act, 1834.

With regard to parishes outside the metropolis, containing more than 20,000 inhabitants, the consent in writing of two-thirds at least of the guardians is necessary before the Local Government Board can declare such parish united with any other parish for the administration of the laws for the relief of the poor.

On the application of a majority of the guardians in a union or parish governed by a local Act, the Local Government Board may issue a provisional order to repeal the whole or any part of the local Act, and shall further take the necessary steps to obtain the confirmation of such order by Act of Parliament. See 30 & 31 Victoria, cap. 106.

The same report, 1867–68, informs us that there still remained a certain number of parishes incorporated under Gilbert Acts, and also single parishes still governed by 43 Elizabeth, cap. 2. The population of

these parishes was about 180,000. Gradually these remaining parts of the country were brought under the control of the Commissioners by consent and by the peremptory issue of regulations, till at the present time the jurisdiction of the Local Government Board has, technically at all events, introduced a more or less uniform subordination to its control through the whole country.

The obstruction of the local Acts, however, is an important episode. It will be seen that till 1867 the board's powers over the London authorities were defective, and, as we shall see, a marked improvement of administration became apparent shortly after the passing of the Metropolitan Act. The difficulty occasioned by local Acts, both here and in other towns, is in part responsible for the issue of a less strict order of management to towns and populous places. These are still for the most part governed by the Out-door Relief Regulation Order (14th December 1852), and not by the stricter Prohibitory Order (21st December 1844), the issue of which last to all and sundry had been urged by Mr. Chadwick,—a policy deemed impracticable by the Commissioners, in view of local opposition which was rendered all-powerful by the aid of local Acts. In the country also the existence of Gilbert unions and local Acts, and the impossibility of dissolving them, made the grouping of parishes in unions follow in many cases a less convenient arrangement than might have been adopted if the Commissioners had been able to group their unions according to the obvious geographical requirements of each case. Even to the present day the inconvenience occasioned by the long-continued defect in the law makes itself apparent from time to time.

CHAPTER XVI

SETTLEMENT

Settlement an integral principle of the Poor Law—Sir R. Peel admits its incompatibility with Free Trade—Its origin—Its evasion regarded as necessary—Sanction of different methods of evasion—Their disastrous result—The Recommendations of the Commission of 1834—Their incompleteness—The evil of non-resident relief—Irremoveability—Bodkin's Act—Abortive attempts at reform—Mr. Villiers' Union Chargeability Act of 1865—His *résumé* of the history of the subject—Mr. Disraeli's proposal in 1850—The policy of the Act of 1865 completed by the Divided Parishes Act, 1876.

In noticing the Act of 1846 we reserved the difficult question of removal and settlement for separate treatment. As already remarked, settlement, *i.e.* the conception that a poor man is chargeable for relief at one place rather than everywhere, is an integral part of the earlier English Poor Law system. We have already argued that the further emancipation of British industry by the repeal of the Corn Laws in 1846 was a necessary and logical corollary of the reform of the Poor Law in 1834. The repeal of the Corn Laws, in its turn, in so much as it seemed likely to alter largely the course of British enterprise, furnished again a cogent reason for removing the remaining restrictions which impeded the free passage of labour from one industry to another. The reform of the Poor Law, the repeal of the Corn Laws, the abolition of parochial settlement, are all parts of the same economic movement. Alluding to the intended policy of the Government in this respect, Sir Robert Peel, in introducing his Corn Law measure, said that by dealing with the question of settlement, "we propose not only to relieve the land,

but to do an act of justice to the labouring man." If agriculture was now put on an equal commercial basis with other industries, it was obviously more impolitic than ever that labour should be confined to agricultural centres, and that agricultural landowners and occupiers should be responsible for the Poor Law maintenance of persons whose whole working lives were spent away from their place of settlement in other forms of industry. Political empiricism deals with these subjects separately, but they are all illustrations of one and the same principle.

Settlement is an institution directly derived from feudal serfdom. In its original conception the confinement was well-nigh absolute. The labourer legally was part of the soil which he was born to cultivate. The law of removal was from the first a part of the law of settlement. Settlement legislation down to the year 1834 may be described as an attempt to mitigate and control the injustice and inconvenience of this primitive condition of society. The ill-success of this legislation is a striking instance of the difficulty of reforming a system where the only true policy is to end and not to mend. Amendments super-imposed on what was really a vicious anachronism proved to be the source of even greater evil than the unreformed custom of the law.

No greater tyranny, it might be thought, could well be conceived than the prevention of the poor man from going to the place where his labour is in demand at good wages, and his confinement in the place where his labour is not required. A law so wicked and so stupid could not be literally enforced, and from the earliest times it was evaded, neglected, and inadequately amended. Yet it is hardly too much to say that the evils of the imperfect reform of the law caused almost as much suffering and injustice as the law itself.

One of the first and most obvious methods of

restraining the ill effects of an ill-considered law is for the authority which administers it to make provision for its evasion. Accordingly the practice sprang up of granting certificates, which permitted the labourer thus privileged to go to a specified parish. Even this, says Mr. Coode, in his Report on the Law of Settlement and Removal, 1851, was "framed exclusively in the interests of the parish, in order to secure a supply of labour in harvest or emergency, rendered otherwise impossible by the universal operation of the liability of labourers to be removed." Such certificates were issued to the labourer under 14 Charles II. cap. 12, by "the minister of the parish and one of the churchwardens and one of the overseers for the poor for the said year." These chief parishioners naturally were disinclined to grant certificates to good workmen, and only too eager to grant them to the idle and indisciplined. A more ingenious contrivance to make good men desperate and bad men vagabonds could not easily be devised. Under this provision, says Mr. Coode, "a large number of the most worthless or mischievous inhabitants of parishes acquired readily the freedom denied to their more meritorious neighbours, and places of resort convenient to such people were plentifully encumbered with them, and new complications and causes of dispute and litigation were abundantly created."

Again, the attempt to mitigate the hardship, by facilitating the acquisition of a new settlement, was even less successful. Any relaxation granted to the labourer in this respect was, as a rule, more than counterbalanced by the safeguards which it was thought necessary to introduce in the interest of the parishes; for in all these matters the interest of the parish was, at least, as fully considered as that of the labourer. The derivative heads of settlement, which first disturbed the primitive simplicity of manorial or parochial servitude, those acquired, namely, by serving an office, by paying taxes,

by hiring and service, and by apprenticeship, were really abridgments of the right of settlement by residence which the obvious interest of the free labourer called on him to assert. That curious collection of incongruous enactments, the 14 Charles II. cap. 12, appears to have attempted a great simplification of the question of settlement. The poor man was to go to the place where he last dwelt for the space of 40 days, either as a native, householder, sojourner, apprentice, or servant. On this provision the learned and ingenious Dr. Burn remarks: "So that there appears to have been two kinds of settlements almost all along: by birth or by inhabitancy. . . . The statutes concerning settlements, subsequent to the 13 & 14 Charles II., are all restrictive of the method established thereby, of obtaining settlements by inhabitancy of 40 days. Which easy method of acquiring settlements appears to have been introductory of many frauds. And therefore it became necessary to ordain that the said 40 days should be reckoned, not from the coming into a parish, but from the delivering notice thereof in writing; and after that from the time of publication of such notice in the church. And hence proceeded the other restrictions about certificate persons, servants, apprentices, and suchlike. From all which it follows that the statute of Charles the Second jumped too far at once, namely, from one whole year to 40 days."

It may be remarked that in earlier times there was no opposition such as Dr. Burn suggests between settlement by birth and settlement by inhabitancy. According to the stricter interpretation of feudalism, the place of a labourer's birth was of necessity the place of his inhabitancy. The inconvenience caused by a doctrine so inimical to the growing spirit of industrialism affected both employer and employed. It was the interest of everyone to bring about some relaxation in the law. Legislative authority, however, had not

abandoned the view that the poor were a class to be managed. The conception of economic freedom was an idea altogether foreign to the temper of the times. It is not surprising, therefore, that these new heads of settlement, instead of being any source of relief to the poor man, became, for the most part, mere weapons of offence in the "dirty warfare" which went on perennially between the 15,000 parishes into which the country was divided.

The acquisition of settlement by the serving of an office was presumably of little operation. Settlement by hiring or service for one year continuously was of wider importance, and led to the most unexpected results. Employers were careful not to hire for a whole year, and thus the permanent employment of labourers was prevented. During the intervals of employment the labourer was thrown on the rates, and the practice of throwing the labourer on the rates at the less busy seasons of the year received a sort of constitutional sanction. It led also to every variety of tortuous dealing with cottage property. Manufacturers contrived to have cottages built in a neighbouring parish to their works, and then, by hiring their labourers for 51 weeks only, left the whole of the labourers chargeable to their neighbours, and this, moreover, at a time when the poor-rate was used not only for the relief of the impotent, but for supplementation of the wages of the able-bodied. When a parish was entirely in the hands of one or of two or three like-minded owners, by a small expenditure cottages might be hired and rates paid in an adjoining parish, and the responsibility for pauper families might thus be transferred. Parishes where property was much subdivided had no defence against such invasion. The small house speculator found the practice profitable. It created a high demand for his house, and the liability of the parish to furnish relief to those whose settlement was established,

constituted a safe source of income, as relief very often took the form of a direct payment of rent by the overseer to the owner of the cottage. Population was thus congested in what were called open parishes, quite irrespective of the economic demand for labour. Again, the system of apprenticeship was used by the various parishes, not as a legitimate means of giving the young person chargeable to the parish a fair start in life, but as a means of getting rid of legal responsibility for their maintenance.

To these statutory heads of settlement the common law added estate or property in land, marriage in the case of a woman, and parentage in the case of a legitimate child. Instances are quoted where property was fraudulently conferred on paupers with a view of transferring their settlement.

The abuses which sprung up under the head of settlement by marriage have already been mentioned.

By these provisions of the legislature, says Mr. Coode, "15,535 parishes were made the gaols of their own poor people, and fortresses against all others. Moreover, by the same one Act, these 15,535 parishes and townships were made for the first time the direct antagonists each of every other, the contest consisting in driving the poor, and the reward of victory for that rival which, by parsimony, guile, cruelty, obstinacy, or quibble, could most successfully beat or shuffle them off." No single parish dared to relax its efforts in this interparochial warfare, and the private interest of lawyers and officials prevented any general abandonment of these wasteful tactics.

Reform of the law of settlement seemed hopeless, and accordingly administrators of the Poor Law adopted a system of relief which, though professedly in the interest of the labourer, lent itself to the most flagrant abuse. Again, it was the effort of the philanthropist which aggravated the evil of a vicious law.

To mitigate the undoubted hardship of removal, a practice, in itself of doubtful legality, sprang up of giving relief from the parish rate to non-resident paupers. If there is to be a law of settlement, in the case of the non-resident and chargeable applicant, either the man must be brought to the relief or the relief must be taken to the man. It has been generally admitted that non-resident relief, the alternative to removal, gave rise to more abuse than any other in the whole range of Poor Law administration. The paying parish had no means of checking the applicant's statement; the authorities of the parish in which the non-resident pauper lived were possibly interested in obtaining part of his wages from a foreign source, and the temptation to embezzlement was extreme. As Mr. Coode remarks: "Almost every case of defalcation by a relieving-officer has been effected under cover of this practice."

Further, the premium thus put on deception and malingering was thrown into striking contrast with the improved moral tone and more independent spirit shown by those unsettled labourers to whom the parish of their settlement declined to give non-resident relief. The philanthropic device of non-resident relief seemed, in those evil times, to be as ruinous to the character of the poor man as to the official who administered the law.

Such advantage as there may have been in these heads of settlement disappeared with the Act of 35 George III. cap. 101, whereby no poor persons could be removed until they actually became chargeable. After this Act it cannot be said that they conferred any advantage on the poor; they merely remained as points for chicane and litigation between the different parishes.

It has been pointed out that the power of ordering removal, before chargeability had arisen, was one which a benevolent magistrate was loth to exercise.

Sir F. Eden doubts if this provision had really led to the untoward results so often quoted. Mr. Saunders tells us that he, in his capacity of magistrate, had always refused to issue such orders. It was pointed out, moreover, by Mr. Baines, in introducing his abortive Settlement and Removal Bill, 1854, that the Act of George the Third, in one respect at all events, increased the hardship of the poor person; for while it sanctioned his spending his life in one place, it did not remove his liability to be deported from his residence and his friends in the event of temporary or permanent disablement. In the case of temporary disablement, further, if, on recovery, he returned to his home from the parish of settlement to which he had been removed, he was liable to be treated as an idle and disorderly person if he again became chargeable and had failed to furnish himself with a certificate in acknowledgment of his settlement (5 Geo. IV. cap. 83, sec. 3).

Such was the condition of affairs in 1832 when the Commission of Inquiry was appointed.

"We have seen," says their report, "that the liability to a change of settlement by hiring and service, apprenticeship, purchasing or renting a tenement, and estate are productive of great inconvenience and fraud; and it does not appear that those frauds and inconveniences are compensated by any advantage whatsoever. We have seen that these heads of settlement were introduced as qualifications of an arbitrary power of removal, and then indeed they were necessary. If they had not been created, the parish officers would have been empowered to confine almost every man to the place of his birth. Now that power is at an end. No man can be removed until he himself, by applying for relief, gives jurisdiction to the magistrates. . . . We recommend, therefore, the immediate but prospective abolition of all these heads of settlement. . . . There will remain parentage, birth, and marriage."

The Commissioners then remark, with regard to settlement by parentage, that if all methods of acquiring a new settlement are abolished, settlement will become a question of pedigree. They accordingly recommend that up to 16, children should follow the settlement of the parents; and after that, or on the death of the parents, children should be considered settled at the place of their birth. In fact, for the adult labourer, they sweep aside all the inadequate amendments of the law, and go back to the settlement by birth, one of the two original but identical heads, Birth and Inhabitancy, as set out by Dr. Burn.

"It will be seen," the Commissioners add, "that we do not recommend the introduction of settlement by residence," though "it is the most natural and the most obvious." If settlement by residence was permitted, continuous employment and the good relations between master and man would be adversely affected.

Successive hirings for periods of less than a year had practically permitted continuous residence and almost permanent employment; but if residence was to confer settlement, this useful and humane evasion of the stricter theory of settlement would cease to operate. "Again, the demolition of cottages and the forcing of the agricultural population into the towns and the parishes in which property is much divided, though we fear they must, to a certain degree, arise under any law of settlement whatever, would be much promoted by a law which would fix on a parish every labourer who should have been allowed to reside there for a given period, unless the period was so long as to render the law almost inoperative. Another objection to settlement by residence . . . arises from its effect on the unsettled labourers. At present they are confessedly superior, both in morals and industry, to those who are settled in the parishes in which they reside.

Make that residence give a settlement, and they will fall back into the general mass."

Such is the comment, as curious as it is just, made by a most competent tribunal on a great national institution! That amendment of the law of settlement, which is "most natural and most obvious," is rejected; for, if adopted, evasion of the law, the sole course that rendered it tolerable, would no longer be possible, the relations between employer and employed would infallibly be poisoned, and the small remnant of the labouring class which remained undemoralised by the ravages of the Poor Law would be dragged back within its vicious influence.

The Act of 1834 followed very closely the advice of the Commissioners; but, as the foregoing analysis should show, the acceptance of existing settlements, mitigated prospectively by a general birth settlement, was a very inadequate reform of a restrictive custom which was essentially vicious.

The Act of 1834, it is admitted on all hands, effected a considerable improvement and reduced the amount of litigation to a large extent. Many abuses, however, remained unreformed. The granting of non-resident relief continued to be a widely adopted practice, because, bad as it was, it was a less costly and unjust expedient than removal. At Lady Day 1846 there were 82,249 persons receiving non-resident relief, and Mr. Coode points out that though this practice led to a large amount of imposture, demoralisation, and fraud, yet, if we reckon $2\frac{1}{2}$ persons as affected by each order of removal, it had prevented some 32,899 warrants of removal; and the enforcement of these would, in Mr. Coode's opinion, have been a far greater evil than the chicane and demoralisation attending a system of non-resident relief. The Commissioners, in their Ninth Annual Report, point out the evils of non-resident relief, and remark that their "efforts have been

and will be constantly directed to its diminution and gradual extinction." This being so, it was obviously necessary to accompany this policy by some redress of the grievance of removal.

The Act of 1846, 9 & 10 Victoria, cap. 66, accordingly made persons who had been resident five years wholly irremovable; widows, resident when their husbands died, irremovable in the first twelvemonths of widowhood; and persons chargeable only through temporary sickness or accident, irremovable on account of that chargeability, *i.e.* only removable on satisfactory proof that their disablement was permanent. The Act very properly endeavoured to provide that non-resident paupers in receipt of non-resident relief from the parish of their settlement, or persons committed to a gaol situate in a parish, should not thereby acquire a settlement in the parish of temporary residence; but the Act was so drafted that it was not clear whether this provision with regard to non-resident paupers was retrospective or not. As Lord Brougham sarcastically put it, "persons perfectly acquainted with their mother-tongue were quite unable to understand the stepmother-tongue in which the Act was written." The law officers advised the Poor Law Board, which in turned advised the local authorities, that this proviso of the Act was not retrospective. Accordingly a great miscarriage of administration was brought about. Large numbers of persons in receipt of non-resident relief had lived in the parish of their residence for five years, and were accordingly irremovable and entitled to be relieved at the charge of that parish.

Naturally, the parish of the pauper's settlement which was paying to him non-resident relief stopped its allowances, and directed him to apply to the parish in which he lived, and which, by the interpretation put on the new Act, was now liable for his maintenance. In addition to this, the result obviously of an error or

oversight, large numbers of persons who had hitherto been restrained from applying, for fear of removal, at once demanded relief, with the result that populous residential parishes were flooded with applications from a new pauper population. Complaints were loud and bitter. Next year a private member, Mr. Bodkin, succeeded in passing the 10 & 11 Victoria, cap. 110, 1847, known as Bodkin's Act. This made the maintenance of the non-resident paupers of other parishes, who, by the current interpretation of the Act of 1846, had become chargeable on the parish of their residence, a union charge. The courts also took a different view of the excepting clause from that given by the law officers, and held that the proviso above mentioned was retrospective.

The principle of Bodkin's Act was an important break in the principle of parochial settlement, and the first step towards a general union chargeability for relief as well as for establishment charges. For the rest, the evils above referred to remained altogether unredressed till the introduction of Mr. Villiers' Union Chargeability Act in 1865.

The inadequacy of the Act of 1846 was practically admitted by the parliament which passed it. Mr. J. E. Denison, M.P. for Malton, had, during the passage of the Bill, carried an instruction in favour of union rating. He dwelt with great force on the evils of "open" and "close" parishes. A close parish was a parish in the hands of one or two owners, who adopted the policy of building no cottages and even pulling down those which existed. An open parish was one where, on the other hand, cottages could be obtained. Generally these were built by speculative builders, the competition for them was artificially increased, and their condition was, as a rule, very unsatisfactory. He cited the case of Castle Acre, a parish in Norfolk, as an instance of this abuse. Castle Acre was an open

parish in the neighbourhood of several close parishes. There were 49 families living there who were settled there, and 103 families belonging to other parishes. There was in consequence a redundancy of labour, exorbitant rents, and wretched accommodation. For the purpose of doing the agricultural work of close parishes, some of them at a distance, "gangs" were organised from Castle Acre. These gangs consisted of men, women, and children of all ages; they were herded together in temporary sheds, with the most disastrous effects to the decency and well-being of these poor people. The evils of poverty are, many of them, unavoidable, but by means of the law intended for its relief they were needlessly aggravated and extended.

The number of open and close parishes were, Mr. Denison declared, as nearly as possible equal. Thus in Southwell union, out of 60 parishes, 28 were close and 32 open. In Shardlow there were 46 parishes, 23 open and 23 close. In Malton, out of 68 parishes, 31 were close and 37 open. Other testimony goes to show that close and open parishes existed everywhere, and in more or less equal proportion.

Sir James Graham, on behalf of the Government which introduced the Bill, offered no opposition to the instruction, which coincided with his own views, but before effect could be given to it the Government of Sir Robert Peel succumbed. The Whig Government which succeeded, took up the Bill, but declined to include in it union chargeability. They agreed, however, to appoint a Committee of Inquiry.

The matter then rested while inquiry into the obvious was conducted at considerable length, without eliciting any new material evidence. Mr. Bodkin's Act, above mentioned, mitigated to some extent the oppressive operation of the new regulations, by transferring the chargeability, of a portion of the population

affected, from the comparatively small area of the parish to the larger area of the union.

By the 11 & 12 Victoria, cap. 110, 1848, this provision was renewed and extended. The cost of maintaining the wandering poor, the cost of relief to unsettled persons chargeable by reason of sickness or accident, as well as to persons rendered irremovable by reason of five years' residence, was made a charge on the common fund of the union. Guardians were authorised also to submit questions of disputed account to the arbitration of the Poor Law Board.

As a specimen of the discussion which was everywhere preparing the way for a widening of the area of chargeability, we may mention an article by Sir Edmund Head, late Poor Law Commissioner, in the *Edinburgh Review* for April 1848. The law, as expounded by Lord Ellenborough, he pointed out, had emphatically repudiated the doctrine laid down by Lord Holt, that without settlement there would be no relief. From an antiquarian and historical point of view there can be no doubt that Lord Holt was right, but the jurisdiction of the courts insisted on making the law conform to equity and common sense. The obligation to relieve must now be held to lie, in the first instance, on the parish where the poor person is. Settlement merely affects the question of whether the parish which relieves has any right to transfer the burden elsewhere, and in no way influences the right of the pauper to relief. The problem, therefore, was an open one, as far as the pauper's claim to relief was concerned. The public had to decide whether the reform, which was undoubtedly needed, would be best achieved by a complete abolition of settlement, or by an extension of the area of chargeability from the parish to the union. The first steps in the direction of the second alternative, as has been pointed out, had already been taken. It is a choice of evils; the

abolition of all local chargeability would lead to a national poor-rate, a thing which would be absolutely ruinous. Even already guardians representing the union were not such careful economists as the old parish overseer. The temptation to corrupt and partial dealing with their public trust was less potent now than formerly, but motives of economy were less active, and, if local administration was to continue, it would not be safe to enlarge the area of chargeability from the union to the nation.

If, on the other hand, union chargeability is accompanied by an abolition of settlement, eligible pauper establishments will be crowded with applicants, and competition in repelling paupers as between union and union would be inaugurated in a very undesirable fashion. Sir Edmund Head therefore gave his verdict for union chargeability and the retention of a union settlement, and propounded a scheme for a gradual passage from parish to union rating. Notwithstanding Mr. Denison's instruction, and the advocacy of Sir E. Head and other well-informed persons, the question remained in the same position down to the year 1865, when Mr. Villiers introduced his Bill for union chargeability. Sir E. Head's article was then reprinted. It represents the expert knowledge of 1848, to which public opinion had slowly and gradually risen in 1865.

By the 24 & 25 Victoria, cap. 55, 1861, three years instead of five became the period in which irremovability was acquired, and the principle of the various temporary Acts by which union chargeability was from year to year enacted for special classes was made permanent. The basis of contribution to the common fund of the union was also altered. Mr. Bodkin's Act and subsequent renewals had adhered to the principle of 1834, and made the levy for the common fund of the union proportionate to the amount of

pauperism in such parish. This had worked very unfairly for the poorer districts, and accordingly this Act provided that the common fund contributions should be made in proportion to the rateable value of the parishes comprised in each union.

The public mind was further prepared for an acceptance of union rating by the experience of the Lancashire cotton famine, where, as we shall presently show, the principle had been temporarily adopted.

By the 27 & 28 Victoria, cap. 116, the Metropolitan Houseless Poor Act, certain union charges were spread over the whole of the metropolis. Next year the above Act was made permanent, and the Union Chargeability Act, 28 & 29 Victoria, cap. 79, completed the policy of making the union the sole area of administration. The last-mentioned Act reduced the term of residence, necessary for acquiring irremovability, from three years to one year, and this, as far as irremovability is concerned, brings us to the present state of the law.

Of the passing of this important statute it is necessary to give some brief account.

In introducing the Bill, which may be described as a great instalment toward the logical completion of the structure conceived by the Commissioners of 1832–34, Mr. Villiers gave an interesting and luminous account of the progress of Poor Law administration, a subject which he had had unusual opportunities for studying, first as an Assistant Commissioner of Inquiry in 1832–34, as member of all the important committees which from time to time had investigated the subject, and now as president of the Poor Law Board. Since the year 1834, he said, the philosophic doubt as to the propriety of a Poor Law had been more or less removed. We find Mr. George Cornewall Lewis, in his private correspondence of a somewhat earlier date, expressing the same opinion, and attribut-

ing it to, among other causes, the philosophical discussion which had accompanied the introduction of the Poor Law into Ireland. Poor Law relief, protected by an adequate test of destitution, had, notwithstanding the forebodings of the economists, proved a safe expedient even amid the abject poverty of the Irish cotters. The doubt raised by Sir Culling E. Smith, and recorded on p. 36, was no longer to be entertained. There was no question of immediate abolition, and further progress in the dispauperisation of the country was entirely a question of detailed administration. They must go forward with the policy of 1832–34. The Commissioners, Mr. Villiers was able to say, were much disappointed because the permissive powers for introducing union chargeability, contained in the Act of 1834, had not been extensively adopted. Only the union of Docking in Norfolk had availed itself of its powers. He then recited the various changes in the law as above narrated, and insisted that the time had come for another advance.

His Bill, he was careful to point out, avoided the error of Mr. Baines' Bill of 1854, which omitted to include the Irish poor. This omission wrecked Mr. Baines' attempt to legislate. In that year Mr. Baines, who had succeeded Mr. Buller as president of the Poor Law Board, had proposed to introduce union rating on the basis that the several parishes should contribute to the union fund, ultimately, according to their rateable value, but for 10 years at a rate compounded as follows: for the first year, one-tenth rateable value and nine-tenths average of pauperism, calculated on the years previous to the introduction of the Act; for the second year, two-tenths rateable value and eight-tenths average pauperism, and so on, till, by this method of transition, after 10 years the rate would be levied entirely in proportion to the

rateable value.[1] The operation of the Bill was confined to persons having a settlement in England and Wales. The Irish members, whose countrymen in the years succeeding the famine of 1846 had come in great numbers to the English towns, strongly objected to the exclusion of the Irish poor. They went in a body to Lord Palmerston, the Home Secretary, who, without consulting Mr. Baines, promised them some redress. Mr. Baines tendered his resignation, but finally withdrew it. The Coalition Ministry was then sinking to its end, and, after hanging in the balance for some time, the Bill was abandoned. Mr. Villiers determined to pursue a bolder course, and accordingly Ireland was from the first included in his Bill.[2]

In moving the second reading of the Bill, 27th March 1865, Mr. Villiers gave a useful summary, not only of Mr. Baines', but of other abortive attempts at legislation, and the public inquiries which had been directed to the elucidation of the subject. In 1839 there had been the Poor Law Commissioners' Continuance Report; in 1844 Sir Jas. Graham had been Home Secretary, and Mr. George Cornewall Lewis a Poor Law Commissioner. The collaboration of these able and distinguished public servants had been unsuccessful in amending the law. In 1845 another Bill had been proposed without success. In 1846 the Act introduced by Peel's Government, and passed by his successor, had required to be amended by Mr. Bodkin next year. In 1847 a committee was appointed which, though not agreeing to a report, was united in condemning the narrow area of rateability. Mr. Charles Buller was a

[1] A somewhat similar plan had been proposed by Sir E. Head, but in 1865 there was less need for such an elaborate scheme, as by the 24 & 25 Victoria, cap. 55, 1861, rateable value had already been made the basis of contribution to the common fund.

[2] It is worthy of notice that in the passing of the so-called Divided Parishes Act, 1876, a similar episode arose with regard to the inclusion of the Irish poor (see p. 365).

member of this committee, and became a convert to the policy of union chargeability. He thought, however, that the report of the committee was not sufficiently strong to carry the measures required, and appointed 8 Commissioners to inquire into the subject and report. The Commissioners' reports, of which Mr. Coode's was the most elaborate, went far beyond the decision of the committee. "They established beyond question all the evils that followed from the system of parochial settlement, the clearing of parishes, the driving the poor out of them, and thrusting them into places already overcrowded, and into dwellings more fitted for brutes than for human beings."

Mr. Buller unfortunately died in 1848, but he had ordered a Bill to be prepared. Mr. Baines, his successor, was a cautious man, and waited three years before producing his Bill. This, as already mentioned, was rejected, and an inquiry ordered as to Scotch and Irish removals. The committee appointed for this purpose recommended that irremovability should be acquired after three years' residence. Even then the matter did not appear clear, and a further inquiry was directed into the operation of Sir Jas. Graham's Poor Removal Act of 1846. This committee sat for three years, and again reported in favour of the irremovability of three years' residents. The House finally acted, and this recommendation became law in 1861. This year was a period of great distress, and yet another committee was appointed to inquire into the whole operation of the Poor Law. This committee also sat for three years, and, *inter alia*, again approved the principle of extending the principle of irremovability. The Bill which he now introduced, Mr. Villiers contended, would prove a benefit to the poor. It withdrew many sinister motives from employers and landlords. Under existing arrangements, employers too often were induced to give a preference to drunken

and disreputable labourers, because if they were not employed they would become chargeable to the parish. With union chargeability, this preference would cease to operate, and good character would obtain its true value in the labour market. Landlords would no longer refuse to build cottages, for under union chargeability the advantage of close as against open parishes would cease to exist, and, the area being so large, it was impossible to make a close union.

In the course of the discussions which attended the attempts to reform the law of settlement many hard cases were cited, and as these often bring the situation more vividly before the mind of the reader than a general description, an instance may be given. Thus, in illustration of the hardship of removal and the unfortunate result of parochial chargeability, Mr. Doyle, Poor Law inspector in Cheshire and the adjoining counties, reported the case of an able-bodied man with a family of young children, who had been earning 25s. a week for almost five years. His employment ceased from some temporary cause, and he was obliged to apply for relief. An order for removal was applied for and granted. In the meantime the man got back to his old work, but the warrant of removal was nevertheless executed. The man, with his family, was removed to a distant county. The man, it is reported, was "like a madman with rage," and, as the inspector felt, justly and rightly so. He inquired of the overseer why he had insisted in carrying out the warrant. The answer was, "to prevent the man from getting his full term of five years'" residence, and so becoming irremovable. The following typical instance is given of the litigation which arose daily over these questions of settlement. A pauper becomes chargeable in Middlesex, and the overseers think that he has a settlement in Northumberland. They go before two justices, and prevail on them to issue a warrant of removal. The Northumber-

land parish then receives notice, and they may of course accept the pauper; but if not, elaborate and often costly inquiries have to be made, and if the order is resisted the overseers, witnesses, counsel, and attorneys have to appear before the Middlesex sessions, and perhaps some hundreds of pounds are spent. Then there is an appeal to the Queen's Bench, where the Chief Justice and three other judges may sit for hours to determine whether some stable-boy, 50 years ago, was hired under a limited or continuous hiring. The defeated party took the pauper, and as a rule was condemned to pay costs. This litigation was of considerable profit to the officers and attorneys, and though from time to time the legislature attempted to simplify the technicalities of procedure (by limiting the right of appeal, 11 & 12 Victoria, cap. 31, and by giving power to the Poor Law Board to decide disputes, 14 & 15 Victoria, cap. 105, sec. 12), the waste of public money was enormous.

Incidents such as these were in the minds of those who had given attention to the question, and the opposition to Mr. Villiers' proposal was based on theoretical rather than on practical grounds. The Bill received support from Mr. J. Walter, who had returned to his old constituency of Berkshire. Sir John Trollope, some time president of the Poor Law Board under a Conservative Government, expressed himself in favour of a complete abolition of the law of settlement; but, guided by a logic which it is somewhat difficult to follow, would not support the present Bill, which only went the length of enlarging settlement from the parish to the union. At this date the abolition of settlement was generally supposed to be a prelude to a national poor-rate administered by a local authority, and the mere mention of such a plan conjured up at once the fear of swift and certain financial ruin. Yet this was the policy advocated by Mr. Disraeli when, on

19th February 1850, he brought forward his motion on agricultural distress, and it apparently still recommended itself to Sir J. Trollope. Mr. Disraeli and his party never had an opportunity of explaining what safeguards they would have introduced to protect the public from the extravagance of a local body administering a national fund. We have discussed in another chapter the question of what may be the equitable incidence of the burden of maintaining the poor, and have alluded there at more length to Mr. Disraeli's remarks. It is here sufficient to indicate that the question of settlement is closely connected with the question of a sectional or national poor-rate.

An abolition of settlement can be advocated on two grounds—(1) Settlement is a restriction on the mobility of labour, on the natural desire of the poor man to remain, even if he becomes chargeable, in the district where his home has been, and in practice it has given rise to litigation, expense, fraud, and oppression. Persons holding such views might still welcome the change from parochial to union chargeability as a step in the right direction. This was the argument advanced by Mr. Villiers and his supporters. Most of them were probably opposed to the principle of settlement, but they did not see how a general or national chargeability could be combined with a local administration, and no one at that date dared to speak of an abolition of the local authorities.

(2) The argument of Mr. Disraeli and Sir J. Trollope is that settlement implies a local levy of taxation on a special class of property for an object that is of national importance and interest. This property, moreover, had been lately protected by the Corn Laws. The repeal of the Corn Laws, it was argued, had altered the ancient territorial constitution of the kingdom, and a redistribution of burdens should logically follow the revolution caused by the abolition

of a protective tariff. This is, however, a separate question. The action of the Tory party was probably not due to any reasoned belief that the Poor Law could be administered by local bodies drawing upon a national fund. They had no intention of adopting the only plan which can ever make a national poor-rate possible, namely, handing over the management of the Poor Law to the central authority, which in 1850, at all events, was highly unpopular. Mr. Disraeli's motion was merely a demonstration to amuse the farmers, and to keep open the breach between the party and its late leader, Sir Robert Peel.

The most serious objection, therefore, felt to the Union Chargeability Bill was, that it might prove the thin end of the wedge, and lead to national chargeability, for which no practicable plan had been proposed. Thus Mr. Villiers, in his speech, had incidentally referred to the prophecy of Mr. Knight, the member for Worcestershire, who had objected to the Irremovability Bill of 1846, that it would lead to an abandonment of the parochial system and to union chargeability, a fulfilled prophecy on which he (Mr. Villiers) congratulated the country. To this Mr. Henley, M.P. for Oxfordshire, made the pregnant retort—"Quite so, and this Bill will lead to national rating and chargeability." There is undoubtedly much force in Mr. Henley's remark. The grievance which then made the acceptance of union chargeability imperative was the inequitable pressure on the limited area of the parish, and the many evils connected with settlement which arose therefrom. Now, the grievance which is making for a national chargeability, through grants in aid of local rates from imperial sources, is the inequitable burden falling on particular interests and on a particular class of property. Mr. Henley's prediction may yet be realised.

The effect of the Act of 1865 was that hence-

forward there was no removal from and to parishes within the union. The power of removal from one union to another still remained, but it was further provided that one year's continuous residence should confer irremovability. Orders for removal in the future must be applied for by the guardians of the union, and not as heretofore by the overseers of the parishes.

It will be noticed that all this recited legislation made absolutely no change in the law of settlement. It invented a new status, namely, that of irremovability, which conferred in certain circumstances, and for a certain limited period, an equivalent to settlement by residence. Outside the privilege created by the Acts of irremovability, the old question of settlement still remained as rearranged by the Act of 1834; that is to say, for adults born after 1834, the place of their settlement was the place of their birth. For adults born before 1834, their settlement was still governed by the old law of settlement by birth and inhabitancy, mitigated and amended by the various heads of settlement which were abolished by the Act of 1834. Legitimate children, before the age of emancipation, followed the settlement of the parents, and thus in the case of the children of those born before 1834 the uncertainty of the old law was considerably prolonged.

Great as was the simplification of the law resulting from this legislation, there still remained cases where the liability to support an unsettled pauper was not affected by the enactments concerning irremovability, and then the important question arose, What was the pauper's settlement. Research into this was attended by difficulty and expense often far in excess of the actual cost in dispute, and at length, in 1876, by the 39 & 40 Victoria, cap. 61, known as the Divided Parishes Act, a simplification of settlement was introduced. By that Act a continuous residence of three years was made to confer settlement, and thus a further

bar was interposed against the cruelty of removing the pauper to a distance from his home and friends, and to the waste of public money in absurd researches into the pedigree and antecedents of the pauper population. This Act which, as its title implies, is mainly concerned with the consolidating authority of the Local Government Board, was introduced by Mr. Sclater-Booth, then president of the Poor Law Board. The clauses dealing with settlement gave effect to the view ably maintained by Mr. Vallance in a paper read to a Poor Law conference in July 1875. The subject was much discussed at this date, and a strong section of the guardians were in favour of total abolition, but as one of their party remarked, it did not enter his head that in voting for total abolition he was also voting for a total abolition of local administration. Yet there seemed to the majority to be little doubt that the two things were inseparably united.[1] The Bill, as originally drafted, proposed to exclude the Irish poor. Mr. Albert Pell, member for South Leicestershire, moved that this exception be struck out. The Government, represented by Mr. Sclater-Booth, at first opposed Mr. Pell's amendment. Mr. Sclater-Booth sought counsel with his predecessor in office, Mr. Gathorne Hardy, who urged his colleague to accept the proposal. After the debate had proceeded some time it was brought to a close by an announcement of the surrender of the Government. The exception had been introduced, Mr. Booth explained, because the Government feared the opposition to which it would give rise; the amendment represented the Government view, and, as it obviously met with a large measure of support, he accordingly accepted the principle of the Bill as applicable to the whole of the United Kingdom.

Here, for the present, the history of the law of

[1] For a full and interesting discussion of the whole subject, see *Poor Law Conferences*, 1875 (Knight & Co.).

settlement may be said to end. It is now only retained because it is a necessary part of a local administration, and, in the comparatively simple form in which it survives, it is generally held to be unobjectionable.

(1) It is still a grievance that settlement questions should be allowed to arise between different unions in large towns. More especially is this so in London, where the operation of the Common Poor Fund has gone far to make London a united chargeable area.

(2) It is also urged by competent authorities, that an improvement would be made if it was enacted that no question of settlement could arise till after six months of chargeability. At present there is some difficulty in defining permanent chargeability, and the question would be much simplified if it could only be raised after the pauper to be removed had been chargeable for six months.

(3) In order to avoid expensive litigation before the courts, which still sometimes arises, it has been suggested that disputes of this nature should in all cases be settled not by the courts, but by the Local Government Board, as permitted by Section 12 of the 14 & 15 Victoria, cap. 105.

CHAPTER XVII

VAGRANCY

The early position of the vagrant that of an outlaw—No settlement, no benefit under 43 Elizabeth, cap. 2—Conviction under Vagrancy Act a condition of relief—Scots and Irish vagrants—The Central Board insists on the relief of vagrants—Conflict with the local authorities—The cost of relief of vagrants made a common charge—Mr. Buller's minute—Metropolitan Houseless Poor Act—Scots and Irish paupers—Minute of the Poor Law Board, 1868—Further legislation—The advice of the Central Board never fully accepted by the local authorities.

One of the most difficult and unsatisfactory phases of Poor Law administration is the treatment of vagrants. The necessity for special regulations with regard to this class of poor arises out of the law of settlement. The maxim, No settlement, no relief, was so far characteristic of the theory, if not of the equity, of the English Poor Law that the phrase owes its origin to a distinguished English judge.[1] The unworkable nature of

[1] In a case, Rex *v.* Inhabitants of Eastbourne (4 B. & A. 103), it was stated in argument that Lord Holt had held: "He did not know that a foreigner had a right to be maintained in any place to which he came, but that they might let him starve." Upon which Lord Ellenborough, C.J., said: "We owe it to the memory of Lord Chief-Justice Holt to believe that he never uttered such a sentiment"; and in giving judgment he proceeded to state that "the law of humanity, which is anterior to all positive laws, obliges us to afford them relief to save them from starving; and those laws (*i.e.* the laws of settlement) were only passed to fix the obligation more certainly, and point out distinctly in what manner it should be borne." The Poor Law Commissioners, commenting on this doctrine, pertinently remark, that previous to the time of Lord Ellenborough there clearly was no statutory or judicial affirmation of the principle that the right to relief was independent of settlement, otherwise Lord Ellenborough would have referred to it and would not have appealed to

a strictly construed law of settlement has been shown by the resort to certificates and the system of non-resident relief. The case of the vagrant, however, is that of the poor man who has, for the time being at all events, not even a residential title to relief, whose needs, moreover, are so small and temporary, and so urgent, that it is not possible, even if this could be discovered, to refer the applicant to his place of settlement. He must either be relieved at the cost of the place where he finds himself destitute, or denied relief altogether. Under certain conditions we have seen that the unsettled but resident labourer, being thus deprived of benefit under the Act of Elizabeth, frequently rose to be independent of the Poor Law altogether. The denial of relief was a blessing to him in disguise. The vagrant, on the other hand, seems in a sense to have fallen below the Poor Law level, and a special public provision suitable, as it was thought, to his character and habits, has been made for him.

The laws for the management of vagrants previous to the Poor Law Amendment Act were measures of police rather than of Poor Law. A vagrant had no semblance of settlement, he did not even reside; and accordingly, unless there was some special interposition in his favour, there was no one ready to accept responsibility for his relief. The special interposition which in his case was to procure him the benefit of Poor Law relief was his conviction for the criminal offence of vagrancy.

The Act of 5 George IV. cap. 83 (1824), which repealed all former Acts on vagrancy, may be regarded as a consolidating Act giving a more or less clear definition of the criminal offence of vagrancy. Vagrants

"the general obligations of morality." The history of the subject seems to show that the view of Lord Holt was technically correct. The Poor Law is not supposed to be co-extensive with human charity. It might have been immoral to refuse relief to a foreigner, but until the law had been stretched, as indicated in Lord Ellenborough's dictum, it would not have been illegal.

might be convicted (1) as idle and disorderly persons, (2) as rogues and vagabonds, and (3) as incorrigible rogues. By subsequent statutes the detailed list of offences was enlarged principally by the inclusion of offences against Poor Law discipline, *e.g.* by 7 & 8 Victoria, cap. 101, sec. 6; 11 & 12 Victoria, cap. 110, sec. 10; 34 & 35 Victoria, cap. 108, sec. 7; and the 45 & 46 Victoria, cap. 36, sec. 5.

We do not propose to set out in technical language the precise actions which constitute the criminal offence of vagrancy. It is sufficient for our purpose to state that the definition of an offence under the Vagrancy Acts covers a very wide range. By being convicted as a vagrant, the wanderer was in a sense relieved. He was imprisoned for a period and maintained at the public expense, and by the 5 George IV. cap. 83, magistrates were authorised to grant to discharged vagrants certificates or passes to help them to reach the place of their settlement. This entitled the wayfarer to ask and obtain relief from the parochial authorities in the parishes through which he passed. Under the law, as it obtained previous to 1824, the parish constable who procured a conviction was entitled to a reward, and there had sprung up a regular system of collusion between the vagrants and the constables. The reward was abolished by the Act of 1824, but the system was established. A law which was intended to repress the criminal acts of the vagrant population was strained to convict a great many harmless people, in order to procure for them the benefit of relief.

In the period immediately preceding the reform of 1834 vagrancy increased rapidly. The number of convictions rose from 7092 in 1826 to 15,624 in 1832. The relief of a portion of the vagrant population was thus made a part of the ordinary police administration of the country. Some parishes, indeed, appear to have refused to recognise any vagrants outside the

ranks of the convicted vagrants. Others, however, dealt with their vagrants in a variety of ways, generally under powers conferred by a local Act, as at Exeter and Salisbury. In few such cases was any task of work exacted. The policy of the local authority was, as a rule, precisely that of Dogberry, namely, to get rid of their rogues as quickly and as cheaply as possible. Low lodging-houses of the worst possible character abounded; the vagabonds resorted there, and obtained money to pay for their board and lodgings from the parochial authorities. Few parishes, if any, had a separate place for the reception of vagrants, and they had, of course, no powers of detention. An experiment in this direction, conducted by the parishes of Hereford in the year 1831, is quoted as something altogether unusual.

Different measure was meted out to Scots and Irish vagrants. These could be removed to their own countries on the order of the justices in petty-sessions, under the charge of special officers who passed them from one county to another at the county expense. The cost of these journeyings was considerable, and fell naturally more heavily on the border counties and on the counties containing seaports from which the vagrants were shipped to Ireland. Waggon loads of these often disorderly characters were carried about the country, some of them bringing with them a large quantity of baggage. The contractors carried fire-arms for their protection, and the aggregate cost to the counties of sending an Irish vagrant to Liverpool from some of the midland towns is said to have exceeded the cost of an inside ticket for the stage-coach. This system of passing from county to county was brought to an end in 1833 by 3 & 4 William IV. cap. 40, and henceforward the cost of relief and removal was, in the first instance, paid by the removing parish. The magistrates in quarter-sessions settled the mode

of removal, and the Act further provided for the reimbursement of the parochial authorities from the county rate. This enactment was for one year only, and was presumably designed as a temporary expedient till the new union authorities, to be appointed in the following year, were ready to take over the work of relieving vagrants, as an obvious part of the duty of the new Poor Law authority.

The Poor Law Amendment Act made no special arrangement for vagrants. This was one of the details left entirely to the discretion of the Commissioners. There is in every rank a certain minority who dislike the conventions of ordinary life, and, so long as they do not require legislation to be specially enacted for their support, the Bohemian character is very indulgently regarded. In moderation this spirit is an agreeable variation from the dull prosaic virtues which are specially appropriate to the industrial life; but it is not a character or a course of life entitled to a liberal endowment from the State.

This seems to have been the view of the "intelligent persons" to whom the local administration of the Poor Law was confided. The maxim, No settlement, no relief, is not perhaps good law. As interpreted by the prevailing decisions of the law courts, the pauper's right to relief arose in the place where he found himself destitute, and undoubtedly this doctrine covered the case of the destitute wanderer. Still, the law notwithstanding, the local authorities saw clearly enough that the vagrant class were not as a rule *bonâ fide* wanderers in search of work, and in a great many places, and with a certain excusable instinct of common sense, they stolidly declined to put the law in force.

The Commissioners, on the other hand, knew what the law required, and that the wayfarer, as well as anyone else, was entitled to relief. It was, moreover,

a central idea in their policy to encourage the mobility of the labouring population. The mobility of the tramp was not the economic virtue which they wished to foster, but still among the tramp population there might occasionally be a genuine looker-for-work.

The Twelfth and Thirteenth Reports of the Poor Law Commissioners contain an interesting summary of the action taken by the board to enforce their view with respect to the relief of the casual poor. In August 1837 the Commissioners of Metropolitan Police forwarded a complaint to the Poor Law Commissioners, "that difficulties still occurred with respect to obtaining immediate relief from the parochial authorities in cases of urgency." The Poor Law Commissioners in reply explained the state of the law, "showing that destitute persons, though not settled in a parish, were nevertheless entitled to relief from it; and that relief ought therefore to precede inquiry into settlement. In the same letter they indicated the duties of the local Poor Law officers with respect to the relief of the casual poor; they likewise suggested that professional beggars should be dealt with under the Vagrant Act."

The attention of the local authorities was called to this correspondence, which is given in full in the Fourth Report of Poor Law Commission, Appendix A, No. 2. The Poor Law Commissioners further recommended that the casually destitute should be relieved in the workhouse, where they could be employed in suitable labour.

Complaints of neglect seem still to have been made, and in December 1839 a circular containing the following strongly worded remarks was issued:—

"The Commissioners request the board of guardians to warn their officers that no consideration of past services will be deemed by the Commissioners a sufficient reason for their hesitating to remove any

officer who, after this period, shall have neglected his primary duty in relieving any case of urgent casual destitution, brought under his notice, by affording such relief within the workhouse in all cases in which there is ability to labour, or in which relief within the workhouse is desirable, such as cases of houseless destitution and casualty, or by affording such relief as may be appropriate in other cases in articles of absolute necessity."

In 1842 the following incident occurred at St. Saviour's union. A boy was refused admittance by the porter. Complaint was made before the police magistrate, and in the course of events the Commissioners directed the board of guardians to reprimand their porter. The guardians appear to have taken this ill, and, in order to stultify the action of the Commissioners, began giving relief to all persons who represented themselves to be casual paupers. The number of vagrants relieved increased with fearful rapidity,—from 549 in the week before their new policy, to 1279, 2026, 2947, and then 4281 in the weeks immediately following it. The guardians then established a stone-yard, with the result that the numbers fell at once from over 4000 to 300 per week.

In the same year the 5 & 6 Victoria, cap. 57, gave the guardians power to set the occasional poor to work in return for the relief given them, and, if they proved refractory, to prosecute them.

The Commissioners had also pointed out that the construction of the present workhouse buildings was in few cases suitable for the relief of vagrants, and their appreciation of this difficulty led them to press on the plan of uniting the different metropolitan unions in asylum districts, as authorised in the 7 & 8 Victoria, cap. 101, the Poor Law Amendment Act, 1844. The formation of these asylum districts was undertaken by the Commissioners in 1845, but the process

was extremely unpopular. A parliamentary committee was appointed, and though it merely reported the evidence, the Home Secretary, through his secretary, Sir W. Somerville, by letter dated 3rd September 1846, recommended the suspension of the plan.

Remarking on the general situation, the Commissioners combat the idea that the effect of the new Poor Law had been to increase vagrancy, and they institute a comparison of the numbers relieved in 1843 and 1833, as shown by Mr. Codd's report to the Commission of Inquiry, from which it appeared that in 8 towns selected at random the numbers in 1843 were 21,789, as against 35,332 in 1833, a decrease of 13,543. The situation then was, that the measures advocated by the Commissioners were suspended; vagrancy, though not the serious evil it had been in 1834, was showing a tendency to increase, and undoubtedly the measures taken for its relief and repression were altogether unsatisfactory.

The authority of the Commissioners ended in 1847, and the subject was taken up by their successors, the Poor Law Board. By the 11 & 12 Victoria, cap. 110 (1848), a recommendation formerly made by the Commissioners was adopted, and the cost of the relief of the wandering poor was made a union instead of a parish charge. Mr. Buller, the president of the new Poor Law Board, showed a disposition to blame the urgency with which the late Commissioners had insisted on the relief of vagrants. The law, he seemed to think, was adequate. What was wanted was a stricter spirit of administration, more particularly at the central board.

The whole management of the subject seems at this period to have been a strange game of cross purposes. No one knew better than the late Commissioners the necessity of imposing a formidable test as a condition of vagrant relief. They never failed to urge this,

when they insisted that the vagrant must not be denied relief. The local authorities, on the other hand, saw quite clearly that to make a lavish endowment for the tramp would be a gross imposition on the ratepayer, but as a rule they were ignorant and illiterate, and entirely inappreciative of the value of that administrative subtlety, the workhouse test. We quoted the remark of a critic of the Poor Law Amendment Act, to the effect that the county gentlemen would not care to spend money in order to reduce the rates. Guardians took very much the same view, in this and in other controversies with the central board, and undoubtedly there is a good deal of human nature in the objection. The incident really illustrates the point of friction which, more than anything else, has impaired the efficacy of the Poor Law Amendment Act. A number of experts, or at all events of highly educated men, invented a costly machine which would, if properly applied, relieve the rates and diminish pauperism. Instead of working this instrument themselves, its administration was confided to local authorities, composed often of prejudiced, ignorant, and interested persons. Naturally the result has not been altogether satisfactory. The institutional system of relief, sometimes called the workhouse system, is in its inception a costly policy. If it is established, and then put in the hands of public bodies who have no perception of the grounds of its adoption, and no wish or intention to use it, it is and must remain a failure. This indeed is the fate which has overtaken it in many respects, nowhere more conspicuously than in this matter of the relief of the casual pauper. The "intelligent persons" to whom the local administration was intrusted were inclined not to relieve at all. The able-bodied wayfarer in Scotland is not relieved, and a denial of relief to this class, except in cases of urgency, has proved a workable policy in Scotland, and probably

would have answered equally as well in England. The Commissioners, however, found that the law required relief to be given to these persons, and they knew, or thought they knew, what the local administrator did not know, and has never yet learned, that relief might be offered without any evil consequences if a proper system of workhouse test labour and detention was provided. This the local authorities would not face. They could not, however, set the law at defiance. So between these two rival authorities, for a period at anyrate, the public purse was more or less at the free disposal of the casual pauper.

The 11 & 12 Victoria, cap. 110, which made the relief of the wandering poor a common charge, went a long way to remove the unwillingness of the local administrators to granting relief to this class. Henceforward the Poor Law Board, aided at times by the legislature, sought to induce the local authorities to adopt the stricter conditions of detention, isolation, and the enforcement of a task of work as the proper complement to the great facility of relief which the urgency of the Poor Law Commissioners had introduced.

In the years 1841–48 the difficulty of controlling vagrancy was enormously increased by the emigration from Ireland caused by the famine in that unhappy country. In the year ended 25th March 1848, 15,571 persons were removed to Scotland, Ireland, and the Isle of Man; of these, 15,020 were Irish. A large number of the Irish so removed returned by the next boat.

In some unions, *e.g.* Derby and Bath, separate accommodation was provided; in others, the vagrants were admitted to the workhouse. A task of work began to be provided, but on the vagrant proving refractory it was almost impossible to get the magistracy to convict. The objection to dealing with tramps

in the workhouse seems to have arisen out of the fear of infectious diseases, the disturbance which they frequently created to the annoyance of the aged and infirm, who formed the main population of these establishments, and also a consideration that many of the tramps were persons in search of work, who therefore were entitled to some special facility of relief.

An elaborate document, Reports and Communications on Vagrancy, was presented to parliament in 1848, and on this an important minute, known as Mr. Buller's minute, was based. This was issued from the Poor Law Board, 4th August 1848. The president of the board there states his conviction that "the system which has of late years been adopted in the relief of the casual poor has been the principal cause of the extension of vagrancy," an extension which seems to have nearly quadrupled the number of vagrants between December 1847 and March 1848. Neither the roughness of the lodging provided, nor the task of work, nor the vagrancy laws have been successful. "The board are unable to suggest any additional test or punishment that shall prevent the abuse of relief indiscriminately extended to every stranger who may represent himself as destitute. A sound and vigilant discrimination in respect of the objects of relief, and the steady refusal of aid to all who are not ascertained to be in a state of destitution, are obviously the most effectual remedies against the continued increase of vagrancy and mendicancy."

The minute generally recommended a more drastic treatment of the casual pauper. It suggested also a wayfarer's certificate and the appointment of a policeman as assistant relieving officer. The minute was popularly but inaccurately supposed to reverse the policy of the late Commissioners. It certainly emboldened

the local authorities to resist the importunity of the vagrant, if not by devising proper casual ward accommodation as recommended by the Commissioners, a course from which they were extremely averse, then, in certain cases at all events, by following their own instincts and simply refusing relief.

These measures, as might have been expected, brought about some decrease of the evil. The reports of the inspectors for the years immediately following the issue of this minute show that in one way or other the local authorities were succeeding in resisting the encroachment of the vagrant class.

In the metropolis the subject had been left in an unsatisfactory condition by the failure of the Commissioners' scheme for district asylums; and in 1857 the Poor Law Board was again obliged to draw the attention of the local authorities to the need of more uniform action. A circular letter, dated 30th November 1857, sums up the situation as follows: "Until recent years such poor (*i.e.* vagrants and houseless poor) depended upon their own resources or on charity for food and lodging; but under the new Poor Law the intention is, that systematic relief in a workhouse shall be afforded to this class of persons, in order that no real case of destitution may be uncared for, and that a sufficient test may be applied in the workhouse, in order to ascertain whether the destitution is real or feigned." "It cannot be said that either of these objects is at present secured in a satisfactory manner in the Metropolitan District." Classification is defective, overcrowding is frequent, arrangements for enforcing the tests of examination, bath, task work, are very incomplete. The habitual mendicant has the choice of some forty places of relief in London. The mendicants know the character of each and the law, while the want of concert between these too numerous houses of call lends itself to abuse. The burden,

moreover, is distributed most unequally. Thus, there have been 11,375 admissions in St. Pancras, while in the neighbouring union of St. Marylebone there were only 348. The board recommends the adoption of the provisions of 7 & 8 Victoria, cap. 101, which permits the combination of unions in asylum districts,—the plan which had been urged by the Commissioners many years before. They also repeat the Commissioners' advice, that police constables should be made assistant relieving officers.

The Select Committee of 1860–64 recommended that the cost of the relief of vagrants should be made a common charge on the metropolis. This was carried into effect by the Metropolitan Houseless Poor Act, 27 & 28 Victoria, cap. 116, a temporary Act made permanent by the 28 & 29 Victoria, cap. 34. This Act of 1864 offered contribution from a common fund to boards of guardians who provided accommodation for casuals, such as met the approval of the Poor Law Board. The effect of this seems to have been instantaneous : all the metropolitan boards, with one exception, provided, for the most part adequately, the accommodation required by the Act. The Metropolitan Poor Act of 1867 confirmed this principle of a common metropolitan chargeability for the casual poor, and extended it to other classes of paupers.

The metropolitan boards, through the urgency of the Poor Law Board, and through the bribe of the common fund, had now been driven to provide adequate machinery for the relief and repression of vagrancy. The next step is the struggle of the Poor Law Board to get the local authorities to use properly the more or less costly casual-ward system which they had been obliged to adopt.

The history of the Scots and Irish removable paupers must now be briefly brought up to date.

The removal of this class, after the passing of the Poor Law Amendment Act, was still regulated by 3 & 4 William IV. cap. 40, and the 7 William IV. cap. 10. These were timed to expire in 1840. The Commissioners therefore recommended a temporary renewal of the existing Acts, and proceeded to collect information as to the present working of the law.

The arrangements for the removal of Scots and Irish paupers had been left, as has been stated a few pages back, at the arbitrament of the several quarter-sessions, and naturally great differences obtained. In their Seventh Report the Commissioners point out some of the hardships and disadvantages of the then existing system. There was no method of appeal, except the impracticable one of an action by the pauper against the justices or parish officers. The parishes, being repaid by the county rate, were interested in removing chargeable persons in every case. Many Irish applied, not because they were destitute, but because they wished to have a free passage home. Others again became chargeable temporarily, and though anxious to remain were yet shipped to the country of their birth under circumstances of great hardship. The knowledge that removal would be the result of an application acted as a test which was too stringent, and resulted in a wrongful denial of relief. No one method of dealing with these different classes could be satisfactory.

Further, as to the mode of conducting the removal, many hardships arose. The Irish paupers seem to have been shipped to ports sometimes far distant from the place to which they were supposed to return. If money was given to the pauper on landing, to convey him or her to their place of destination, it was frequently used to go back to the home in England from which the pauper had just been removed.

It was an obvious hardship to remove a Scots or Irish pauper from their home, not to a specific parish where they possibly had friends, but to a country, leaving them to find their way to their destination as best they could. Further, there was no reciprocal right vested in the Scots or Irish authorities to pass back an Englishman to his English settlement. This last grievance was repealed, as regards Scotland, by the Scots Poor Law Act of 1845, but it still exists as regards Ireland. The number of English or Scots paupers becoming chargeable in Ireland is presumably very small, still the state of the law is undoubtedly anomalous. The removal of English and Irish poor from Scotland is now governed by the Poor Law Scotland Act 1898 (61 & 62 Victoria, cap. 21, sec. 5); no warrant is carried out till after 14 days. Appeal is allowed to the Local Government Board of Scotland, both from the pauper and from the parish to which he is to be sent.

In 1845, in order to remedy these defects, the 8 & 9 Victoria, cap. 117, was passed. This Act, as amended in 1861 (24 & 25 Victoria, cap. 76), 1862 (25 & 26 Victoria, cap. 113), and 1863 (26 & 27 Victoria, cap. 89), remains the principal Act governing the removal of Scots and Irish paupers. It repeals all previous legislation on the subject. Two justices can, on complaint of Poor Law authorities, order the removal of an Irish or Scots pauper. Such persons are to be removed forthwith at the expense of the union or parish originating the complaint. In the case of any parish not in union and not containing a population exceeding 30,000 persons, the expenses, on proper application, are to be paid by the county rate or borough rate. The Act also provides that the arrangements made by the justices in quarter-sessions shall be confirmed by a Secretary of State, and further vests in boards of guardians in Ireland

and heritors of kirk-sessions in Scotland, a power of appeal against such removals. The Act of 1861 required that the authority giving the warrant of removal should be satisfied that the persons to be removed were in a fit state of health. Full particulars were to be given to the board of guardians of the place to which the person was to be removed. The Act of 1862 makes similar regulations with regard to Scotland. The right of appeal conferred by the Act of 1845 was abolished by the Act of 1861, and restored to the Irish Commissioners by the Act of 1863.[1]

To return to the general question of vagrancy, the subject still continued to attract attention, and, at the direction of the board, elaborate reports were drawn up by the Poor Law inspectors, and published as a parliamentary paper, "Reports on Vagrancy made to the President, etc., 1866." These show that the subject was dealt with in the most varying fashion by the different boards of guardians as regards diet, work, detention, and indeed in every conceivable particular. Mr. A. Doyle, one of the ablest of the inspectors, gives what is probably a correct summary of the situation when he says that though the number of vagrants was not considerable, the casual ward was the resort, not of deserving wayfarers in search of work, but of thieves, prostitutes, and vagabonds of the lowest class who worked their districts as regularly as the judges did their circuits.

It would seem that by this time the effect of Mr. Buller's minute had evaporated, and the casuals were again encroaching on the settled population. Mr. Doyle, indeed, considers that refusal of relief is the only remedy effective against the able-bodied

[1] For a full and detailed account of the actual state of the law at this period, see Sixteenth Poor Law Board Report, p. 35.

tramp. If the country would not assent to this, he thought that the tramps should be put entirely under the control of the police. This, coupled with an effective system of certificates or way-tickets for the *bonâ-fide* looker-for-work, was the most practical suggestion which was offered. This view was supported by Sir John Walsham and Mr. Corbett and other experienced inspectors.

The following is a summary of the general condition of the provision made for vagrants:—

Number of unions, 619.

Workhouses with vagrant wards, whether sufficient or not	533
Workhouses without such wards	86
	619
Number of unions requiring a task of work from vagrants	424
Number not requiring a task	195
	619
Number of unions employing the police as assistant relieving officers	292
Number not so employing the police	327
	619

It was stated that the number of vagrants in London (which in this and other matters connected with the Poor Law had always been governed by special legislation) had continued to rise, and more strenuous measures appeared necessary. Accordingly in 1866 an order was issued to the metropolitan unions prescribing a uniform diet and sanctioning a variety of more or less equivalent tasks. The dietary for breakfast and supper was 6 oz. of bread and a pint of gruel for the persons above 9 years of age; 4 oz. of bread and ½ pint of gruel for persons under that age,—but the pint of gruel was only to be given in the winter months.

Provincial boards of guardians also wrote to the Poor Law Board asking for advice and assistance.

The result was a new circular dated 28th November 1868.[1]

This refers to the minute of the late Mr. Charles Buller, and states the belief of the board, that "in the unions in which the suggestions of that minute have been steadily acted upon, those difficulties have to some extent been diminished."

They recommend the employment of the police as assistant relieving officers, and further, that in any case (1) the name and occupation of the applicant, the place from which he comes, and that to which he is going should be recorded; (2) that applicants should be searched, and if adequate means are found on them, refused relief; (3) that if relieved in a workhouse they should, unless ill, be put in a bath; (4) that a certain task should be exacted. They also recommend uniformity of diet and task. The single-cell system is also mentioned as having been tried with success in some unions, and the certificate system in use in several counties is again mentioned with approval. Under this plan tickets recording name, occupation, route, etc., are given to each applicant, and these are available at workhouses on the route, and the persons holding them are excused the task ordinarily required. The walk from one workhouse to the next specified was considered equivalent to the labour test.

The next practical step taken was the passing of the Pauper Inmates Discharge and Regulation Act, 1871. In introducing this Bill, Lord Kimberley gave the reasons of the Government for adhering to the existing system, and rejecting the plan of handing over vagrancy to the police or of introducing the way-ticket system.

The first would take the police away from their proper duties. The second would lead to forgery, and required an elaborate organisation which did not seem

[1] Twenty-first Poor Law Board Report, pp. 74–76.

practicable. The Bill dealt with the admission and detention of all classes of paupers. For the casual pauper it authorised longer detention, uniform diet and lodging, and work.

The notice of the local authorities was called to the provisions of the new Act by a circular issued by the new Local Government Board, setting out, according to the frequently followed precedent in Poor Law reform, the various more or less successful experiments which had been tried at Eastbourne, Oswestry, Bath, and elsewhere.

A further amendment of the law was effected by the Casual Poor Act, 1882 (45 & 46 Victoria, cap. 36). This increases the power of detention already possessed by guardians, and, with the orders of the Local Government Board, is the authority which regulates the relief of the casual poor.

The Bill was introduced by that veteran Poor Law reformer, Mr. Albert Pell, and it has been matter of regret that clauses originally inserted in the Bill were excised, notably one to abolish all distinction between casual and ordinary paupers. It is pointed out elsewhere that in London there is in some unions practically no difference between the poor who are treated in the casual wards and those who are received into the workhouse and infirmary, and any regulation suitable for the one class is suitable also for the other.[1]

The Act of 1882 (Pell's Act) enacts that a casual pauper shall not be entitled to discharge himself from a casual ward before 9 o'clock in the morning of the second day following his admission, nor before he has performed the work prescribed for him; and where a casual pauper has been admitted on more than one

[1] A recent report of the Whitechapel union shows that 90 per cent. of the workhouse and infirmary inmates (and in this union this covers the whole of the pauper population) were practically homeless persons, *i.e.* neither legally nor residentially settled. They were for the most part dwellers in common lodging-houses or shelters (see also p. 528).

occasion during one month into any casual ward of the same union (and for this purpose London is to be deemed one union), he shall not be entitled to discharge himself before 9 o'clock in the morning of the fourth day after his admission. By a series of Orders the proper authorities are empowered to relax these provisions for *bonâ-fide* lookers-for-work.

Such evidence as is forthcoming on the subject makes it extremely difficult to say how far, even when rigidly enforced, such conditions are able to deter the vagrant. The recommendation of the Local Government Board, that guardians should avail themselves of their powers, has not been generally acted on, and the vagrant seems at least to hold his own and contrives to extract all that he can out of the endowments provided for him by the law. It is admitted that this class knows the law better than most Poor Law officers, and that information as to changes in procedure at any workhouse is rapidly circulated.

As to what would happen if the remedies recommended were loyally tried, it is impossible to speak with confidence. Vagrancy may prove to be a form of pauperism not to be exorcised by the workhouse test. When we reach the vagrant class we have to deal with character and motives of a somewhat abnormal type, and it is a question whether the alleged perfection of the English Poor Law system, as conceived by the Poor Law Commissioners, will prove adequate to check the evil consequences which Chalmers and others held to be inseparable from the vicious principle of State relief.

Information on the subject is very defective by reason of the migratory habits of the persons chiefly concerned. The new Poor Law, while it has been largely successful in dispauperising the victims of the old Poor Law, has, in the casual and the "in-and-out" pauper, produced, temporarily at all events, a special

class of pauperism which does not yield easily to remedial treatment. In the meantime it would be wise to apply the remedies recommended. They are logically derived from the teaching of the first Poor Law Commissioners, which hitherto and elsewhere has been justified in every respect. If on application they fail in this case, it will be on the grounds hinted by Mr. Tufnell on p. 237. The failure, in so much as it results from the impossibility of fulfilling the condition, regarded by the Commissioners as fundamental, of making the lot of the pauper appear less eligible than that of the poorest independent labourer, will in reality confirm the practical wisdom of the principles laid down by the authors of the Amendment Act of 1834.

CHAPTER XVIII

THE COTTON FAMINE AND THE RELIEF OF THE ABLE-BODIED

The policy of the new Poor Law with regard to the able-bodied to be tested by the Cotton Famine—Extent of the cotton industry—Mr. Torrens' indictment of the law—The Government measures—Union Relief Aid Act, 1862—The Public Works (Manufacturing Districts) Act, 1863—The policy of public relief works—The action of Voluntary Agencies—Meetings at Bridgewater House and in Lancashire—The education test—The gradual resumption of employment—Summary of the controversy with regard to exceptional distress.

The most serious crisis with which the English Poor Law has ever been called on to grapple was probably that known as the Lancashire Cotton Famine. Hitherto we have been considering the administration of the law under normal conditions. The events which have been chronicled seem to show that in the opinion of those who were responsible for the regulation of Poor Law administration, the powers of guardians were more than adequate for the relief of such destitution as is likely to arise in normal times. Indeed, the defect of the law would seem to have been that the authority of guardians was excessive. The whole work of the central control had been to induce the guardians to use their powers more sparingly. Out-door relief to the able-bodied was discouraged and even declared illegal, and the advice of the central board was in favour of making out-door relief, in all cases, the exception and not the rule.

The public was invited to conceive the possibility of a labouring class altogether independent of the Poor Law. The able-bodied man was gaining a position of

freedom which he had never enjoyed before. The modern view, that this larger independence might, by a wiser administration of relief to those who were not able-bodied, be extended to cover the whole of working-class life, was beginning to be appreciated. The offer of a humane and adequate maintenance in a Poor Law establishment was proved by experience to throw on the poorer classes a responsibility which was imparting a new health and vigour to their life. The void made by the withdrawal of the injurious forms of maintenance provided by the old law was being filled by the more successful practice of the arts of independence, and by greater thrift among the poor, supplemented by a better discharge of family duty and by the benevolence which arises naturally in the daily intercourse of life.

It was not to be denied that, as far as the normal pauperism of the country was concerned, the new Poor Law was effecting a great work of emancipation.

It remains to be considered how far the new arrangement was able to cope with a period of exceptional abnormal distress. A brief history of the Cotton Famine will serve as an illustration of this aspect of the question.

Though the history of the Cotton Famine may be dated from the bombardment of Fort Sumter on the 13th August 1861, the famine prices of cotton did not begin till nearly a year after. "In June 1861," says Mr. R. A. Arnold in his *History of the Cotton Famine*, "the cotton trade was suffering from apoplexy with a full larder." The years 1859 and 1860 are described as years of "terrific" prosperity and speculation, and production had been stimulated to an extraordinary extent. At no period in the history of the cotton trade had stocks of cotton and cotton manufactures in England been so extensive as at the beginning of the American Civil War. At first, therefore, the check in

the supply of raw material to be anticipated as the result of the outbreak of hostilities in America saved many manufacturers from bankruptcy.

There were in Great Britain in 1860 some 2650 cotton factories, employing about 440,000 persons at wages at the rate of £11,500,000 a year. Lancashire, Cheshire, and Derbyshire employed respectively 310,000, 38,000, and 12,000, or upwards of 80 per cent. of the whole number employed in the trade. Although the supply from other sources had greatly increased in the last few years, the American supply was still by far the most important.

In 1860, America	. . .	sent 1,115,890,608 lb.
„ the East Indies	. .	„ 204,141,168 „
„ the West Indies	. .	„ 1,050,784 „
„ the Brazils	. . .	„ 17,286,864 „
„ other Countries	. .	„ 52,569,328 „
Total	. .	1,390,938,752 lb.

This supply was valued at £34,000,000. In 1864, manufacturers were obliged to pay £84,000,000 for one-half the quantity imported in 1860.

Of the imported supply of 1860, 250,428,640 lb. were exported; the remainder, 1,140,510,112 lb. were retained for home consumption; and at the close of the year there was a stock of raw cotton in the country amounting to 250,286,605 lb. (Arnold, p. 38.)

Nothing, indeed, seemed further off than a famine. The markets, both for raw material and manufactured goods, were glutted. So much was this the case that Mr. W. T. M. Torrens, in his letter to Mr. Charles Villiers, president of the Poor Law Board (published under the title of *Lancashire's Lesson, or the Need of a Settled Policy in Times of Exceptional Distress*, London, 1864), begins his indictment of the Government policy by insisting that the distress in the cotton manufacturing districts was not due solely to the war.

"Happening simultaneously," he says, "with the cessation of the ordinary supply of the raw material from America, it was set down, not unnaturally perhaps, as arising entirely from that cause; and as the blockade of Charlestown, Mobile, and New Orleans by the Federal Government, and the interdict by the Confederate Government of the export of cotton-wool by land, were events equally unexampled and unlooked for, many were willing to accept the inference that these, and these alone, occasioned the paralysis of our most notable branch of trade; and then, as nobody here had had aught to do with the causes of the great Civil War, so nobody could fairly be held accountable for the consequences these might entail, or for the want of preparation to meet them." Mr. Torrens goes on to argue that this view is erroneous, and that "the stoppage of the cotton mills did not begin with the blockade, and that to a vast extent it would have taken place had the political unity of America never been broken." He insisted on comparing the crisis of 1861–63 with other depressions of trade which had occurred before, notably that of 1847, and which might occur again, and he complained that the Government had been wanting in initiative and had failed to propose in time the requisite measures for managing the distress.

The controversy thus raised is an extremely interesting and important one. Mr. Torrens' pamphlet has a specious title and is written with great ability, but it confuses a number of issues which ought to be kept apart. It may be conceded at once that settled principles of policy are desirable in times of exceptional distress as well as at other times. This does not, however, imply that a settled and detailed plan of action can be devised, which will be suitable to all emergencies. The introduction of the term exceptional, indeed, makes this impossible. Mr. Torrens points out that in 1847 the ordinary Poor Law, under

the direction of Mr. Alfred Austin, the Assistant Commissioner, had been sufficient to tide over a serious crisis in the same district. The Mayor of Manchester at that time had, at the instance of Mr. Austin, refrained from starting a charitable relief fund, and Lancashire had the satisfaction of remaining self-dependent. Mr. Torrens was of opinion that, in the crisis of 1861, exclusive reliance should again have been placed on the ordinary law, supplemented by such additional legislation as the situation seemed to require, that the measures, subsequently proposed and carried by the Government for making the law adequate to the occasion, should have been brought forward earlier, and that the exceptional powers conferred by these Acts, or some of them, should for the future be deemed part of the Poor Law system of the land. Mr. Torrens' own account of the causes of the distress shows very clearly the danger of meeting exceptional occasions by a permanent law.

In the forefront of his argument he identifies a depression of trade, the not unusual result of a cycle of prosperous years, with a crisis caused by the almost complete cessation of the supply of the raw material of the cotton trade due to civil war in America. It may be true that the first stoppage of work was not caused by deficiency in the supply of raw material, but rather by the heavy stocks of manufactured goods which were kept back from market on various speculative motives. In July 1862, we are told by Mr. Arnold, the price of manufactured goods had risen 50 per cent., but the cost of raw material 150 per cent. within the year. With such prices ruling, there had been little inducement to manufacture. In addition to the glut which lay heavy on the market of manufactured goods, the Northern States of America had imposed a hostile tariff on manufactured cotton goods; and still further locked up the markets.

From June 1862 onwards the price of manufactured goods rose more quickly. The high prices undoubtedly contracted consumption, but gradually stocks were cleared and some resumption of manufacture, even at the ruling prohibitive prices for raw material, took place. Mr. Torrens is probably correct in arguing that a serious depression was impending, but at the same time it is surely obvious that this speculative holding up both of raw material and of manufactured goods, and the consequent disinclination of the public to buy at enhanced prices, were only made possible by the knowledge that the supply of raw material was practically at an end. If no civil war had been raging in America, and if supplies of raw cotton had come forward in the usual way, it is possible or even probable that many cotton-spinners would have been ruined, and accumulated stocks of manufactured goods would have been sold off at a sacrifice. On the other hand, it is also possible that the increased cheapness of manufactured cottons might have stimulated demand. The dislocation of business which followed gave a great impetus to the woollen, linen, and jute industries, the principal rivals of the cotton trade. An uninterrupted supply might have retained and stimulated the demand which was thus diverted into other channels. In any case, there was nothing abnormal in the reaction from the prosperity of 1859 and 1860. If there had been nothing more than this, there would have been no necessity to depart from the ordinary provisions of the Poor Law.

The attitude of the new Poor Law towards the able-bodied man is based on the assumption that in normal times the market is the best distributor of labour. If there is a dearth of employment in a given trade, and a consequent necessity for relief, it is not advisable that the Poor Law shall lend itself to the system so graphically described by the rural labourer

(see p. 196), namely, that of keeping the labourers like potatoes in a pit to be used when it suits the masters' convenience, leaving them at other times to be dependent on the parish. Relief must be given, but on strict terms, such indeed as will induce the labourer to look in every direction rather than to the Poor Law.

The circumstances connected with the Cotton Famine seemed, however, to be such that it was not necessary to insist on enforcing this migration of labour. At the end of the war it seemed almost certain that trade would resume its former course, and that, as before, there would be full employment for the population. The legislature and the public thought themselves justified, therefore, in this case in preventing any wide dispersion of population. On the other hand, in face of a normal fluctuation of trade, such as that figured by Mr. Torrens, this dispersion of population is a most salutary and beneficial movement, and is indeed the permanent measure of relief for which the situation calls; and it was precisely because the old Poor Law checked this circulation of labour at the call of the market that it was so detrimental to the best interests of the labouring class. It is not possible, therefore, to acquiesce in Mr. Torrens' demand that the Government should make a permanent addition to its Poor Law legislation, because the suffering brought about by an unexpected war was later on judged by them to require some exceptional legislative measures of relief.

The Poor Law, it has frequently been pointed out, is capable of great expansion. The strict workhouse test for the able-bodied, under the Out-door Relief Prohibitory Order, may be remitted, and relief may be given under the Out-door Relief Regulation Order in exchange for a task of work performed. The Prohibitory Order, as we have seen, never was introduced into the northern manufacturing districts, and, so long

as the rate-paying community remained solvent, the Poor Law was equal to dealing with an almost unlimited amount of distress. The first measure introduced by the Government, therefore, was designed to prevent any failure of the rates as a safe source of supply.

By the Union Relief Aid Act, 1862 (25 & 26 Victoria, cap. 160), which became law on the 7th August of that year, it was provided that where the poor-rate in any parish comprised in a union in the counties of Lancaster, Chester, or Derby exceeded the rate of 3s. in the pound per annum, the excess should be a union charge, and be levied on the other parishes proportionately to their rateable value. Next, if the aggregate of the union rate exceeded the rate of 5s. in the pound (the limit was subsequently, by 26 & 27 Victoria, cap. 91, raised to 6s. 6d.), the guardians might apply to the Poor Law Board, and the Poor Law Board, if they thought proper, might make an order on the other unions comprised in the county, calling on them to contribute the sums necessary to meet the excess. Unions and parishes, whose own rate was already in excess of the limit, were excluded from liability to contribute to a rate-in-aid. Unions contributing to a rate-in-aid of another union were entitled to send a representative to act as a guardian in the assisted union.

The Government proposals were thus at first confined to providing the machinery for collecting a rate-in-aid, a principle sanctioned by the Elizabethan legislation. The extension of the liability to all the parishes comprised in the same union was a policy which afterwards met the approval of the Legislature as a permanent arrangement. It was also in accordance with the policy of 1834, for it was clearly the desire of the Commissioners to make the union the rating as well as the administrative area.

The liability of the county, for the unions comprised in it, has not been made part of the law, though the

subventions now paid in aid of local taxation seem to recognise the principle involved.

The Government proposals did not meet with the hearty approval of the Lancashire members. It was felt that the crisis was a temporary one. The value of much rateable property had, for the time being, disappeared altogether, and the difficulty of collecting a rate was extreme. They accordingly prevailed on the Government to include in their Bill power to the guardians to borrow, with the approval of the Poor Law Board, when the rate exceeded 3s. in the pound. Such loans were to be charged on the common fund of the union, and to be repaid in equal annual instalments not exceeding seven.

"We have reason to believe," says the Poor Law Board Report, 1862–63, "that the above-mentioned provisions of the Act have afforded a beneficial relief to the ratepayers of the more distressed parishes in numerous instances."

In proof of this, the same report sets out a table showing how in the 27 unions principally affected, out of a total expenditure in the Michaelmas half-year of £240,559, the parishes contributed £93,386, or 38·8 per cent.; while the union common fund raised £147,161, or 61·2 per cent. of the whole.

In addition to this extension of chargeability from the parish to the union, the following demands from the union to the county were authorised by the board. The several unions and parishes liable under the Act were directed to pay to the treasurer of the

Ashton-under-Lyne union	£8097
Glossop union	1718
Haslingden union	2193
Preston union	7571

Next year Ashton, Glossop, and Preston again profited.

At the date of the Report, 1863–64, the borrowing powers of the Act had been used to the extent of

about £125,000. The use of a loan for the temporary purpose of the relief of distress is a large departure from the principles which govern the normal administration of the Poor Law. It was introduced mainly at the instance of the Lancashire members. Among others, Mr. Cobden had expressed his fear that "however well suited the statute of Elizabeth might be to the state of Oxfordshire, it would be found very ill adapted to the condition of Rochdale. . . . They might as well go back to the legislation of the Romans as to the 43 of Elizabeth." He pointed out how the rateable value of Lancashire and the distressed districts depended on a trade which had been brought to a standstill. Every additional rate would throw out of the list a very large proportion of rate-paying assessments. To what extent Mr. Cobden's fears on this last head were well founded it is impossible to say. Some of the measures recommended by him were adopted, and the danger, if it existed, was averted. Legislative action and the assistance of voluntary effort effectually prevented any widespread default in the collection of rates. In the event, the amount of uncollected rates did not amount to any very large sum. The average default in ten of the most heavily burdened unions for the year 1863 does not seem to have exceeded an average of 7 per cent. In Glossop, indeed, and in Oldham, the amount uncollected amounted to 14 per cent. and 16 per cent. respectively. The larger percentage in these unions is attributed to the fact that the compounding Acts were not in use, and the rates were collected direct from the occupier, *i.e.* in many cases from the factory operative, and not from the landlord.

We have already noted that, as between the union and the parishes comprising it, the Union Relief Aid Acts had thrown 61 per cent. of the whole charge on a general union rate. The following gives briefly the financial effect as between the unions and the counties

of which they formed a part. During the years 1862, 1863, and 1864 the sum of £41,977 was distributed to Ashton-under-Lyne, Glossop, Haslingden, and Preston from the counties of which they formed a part. When the limit, which the local expenditure was required to reach, was raised from 5s. to 6s. 6d., these rates-in-aid, with the exception of £509 paid to Glossop, came to an end; for, before this limit was reached, it was as a rule thought advisable to resort to a loan. Under the same Acts a sum of £132,205 was raised in loans. Thus the Acts enabled the several unions to spread their current liabilities over a larger area and a larger time, to the extent of £174,182.

It remains to mention the other measure which was passed with a view to the relief of the Lancashire distress.

On 21st July 1863 the Public Works (Manufacturing Districts) Act became law: 26 & 27 Victoria, cap. 70. It is described as "an Act to facilitate the execution of public works in certain manufacturing districts; to authorise for that purpose advances of public money to a limited amount upon security of local rates; and to shorten the period for the adoption of the Local Government Act, 1858, in certain cases."

The Act empowered the Treasury to advance, out of the Consolidated Fund, sums in the aggregate not to exceed £1,200,000[1] to local bodies and guardians for the execution of permanent works. The loan was not to exceed one year's rateable value. Repayment was to be made in 30 years. The loans were to be made under the authority of the Poor Law Board. One of Her Majesty's Secretaries of State might, on the application of the Poor Law Board, appoint an engineer

[1] In addition to this sum, the Public Works Loan Commissioners were authorised to make advances from certain other sources. "It is understood," says the Poor Law Board minute, "that £1,500,000 is the aggregate amount disposable." Sixteenth Report, p. 23.

to superintend the work, and it was a condition that the work so undertaken should be of public and permanent utility.

The preamble recites that as many persons still remain out of employment, "it is expedient to make provision for better enabling the local authorities therein to give employment by the execution of works of public utility and sanitary improvement," but there is nothing in the provisions of the Act requiring the public authorities to employ one class of men rather than another. The omission is significant, and justifies us in describing the Act as a measure of sanitary engineering and not as a measure of relief.

The following official account of the passing of this Act is given in the Poor Law Board Report, 1863–64.

The ordinary provisions of the law, it is said, enabled guardians to raise ample funds for the relief of destitution in the distressed district, "but at the same time it appeared highly desirable that the large bodies of able-bodied men who had been so long deprived of their usual employment should not continue to be relieved either in idleness, or on the performance of a task of unremunerative labour, but should rather, if possible, have work at adequate wages placed within their reach, which would enable them to obtain an independent livelihood. It was confidently represented to us that in many of the manufacturing towns the drainage and sewerage was very imperfect, the water supply deficient or of bad quality, and the roads in an unfinished or neglected state; that new streets required to be made; and that parks were needed for the recreation of the people; and that in the neighbouring country districts there were some lands requiring to be drained, and others lying waste, which might be reclaimed and brought into cultivation." Mr. (afterwards Sir Robert) Rawlinson, C.E., one of the inspectors from the Local Government Act Office, was accordingly sent down to report.

Certain difficulties of a financial and legal character were disclosed, and, to remove them, the board promoted the above-mentioned Public Works Act. Mr. Rawlinson was subsequently appointed inspecting engineer, and at once nearly the whole sum authorised for loan was applied for.

A subsequent Act, in 1864, put an additional £350,000 at the disposal of the localities, and the following is a statement of the distribution of the fund.

There were 155 separate loans granted to about 90 different localities. The following 14 places had municipal government, and borrowed as follows :—

	Amounts borrowed.	Percentage on rateable value.[1]
Ashton	£125,032	164
Blackburn	144,825	100
Bolton	177,934	100
Burnley	37,800	59
Bury	48,259	55
Macclesfield	46,530	60
Manchester	227,860	15
Oldham	120,180	71
Preston	63,239	29
Rochdale	29,600	27
Salford	69,865	27
Stalybridge	74,288	138
Stockport	59,376	51
Wigan	48,070	65
	£1,272,858	

The remainder of the sum appropriated, namely, £573,224, was lent to local boards of health, etc. This left a balance of £3918.

To municipal bodies	£1,272,858
To smaller governing bodies	573,224
In hand	3,918
	£1,850,000

The high-water mark of pauperism was reached in the months of November and December 1862. In

[1] The total rateable value of the area over which these loans were spread was £3,220,047, of which Manchester supplied nearly one-half.

July 1863, when the Public Works Act came into force, the flood of pauperism was already on the ebb. There were, moreover, many preliminaries to be observed before the Act could be put in operation. In January 1864, it is stated[1] that only 2281 cotton operatives were employed on work set on foot under the Public Works Acts. In October 1864, although £85,000 had been lent to Manchester under the Acts, only 35 cotton operatives had there obtained employment. Mr. Rawlinson, an able engineer, and an enthusiast in sanitary work, reported very favourably of the improvements carried out under these Acts. From an engineering and sanitary point of view, the waterworks and sewerage and street paving seem to have been urgently required and successfully carried out. The manufacturing towns had been run up in a hurry, and their sanitary arrangements were sadly deficient. The remedying of these defects naturally provoked much enthusiasm in the mind of an expert like Mr Rawlinson. As might have been expected also, the vigorous out-door work is said to have been beneficial to the health and physique of men whose ordinary occupation was of a more sedentary character.

It is not pretended, however, by those responsible for its administration, that the Act was equally successful as a measure of relief. The favourable verdict often passed on this transaction has been somewhat uncritically adopted from the opinions expressed by Mr. Rawlinson; by his employers, the Poor Law Board, which, however, confines its remarks to the success of the sanitary engineering measures; by Mr. R. A. Arnold, a gentleman employed as resident engineer under the Act, and subsequently a historian of the Cotton Famine; and by Mr. W. M. Torrens, in his pamphlet already mentioned. Mr. Torrens undoubtedly

[1] See *The Facts of the Cotton Famine*, by John Watts, Ph.D., member of the Central Relief Committee, 1866, p. 320.

makes a point against the Poor Law Board, in that, until the famine was abating, it introduced no scheme of "work for wages." When, however, the Public Works Act was passed, the board became not only the apologist but the eulogist of the hitherto neglected policy.

There are several considerations which have to be taken into account before pronouncing a verdict on this measure.

Mr. Farnall, the special Commissioner, stated publicly that it was hoped that the Act would provide employment for about 30,000 men (Watts, p. 319), whereas on 31st December 1864 there seem to have been in employment 2741 skilled men and 3978 factory operatives. Mr. Rawlinson himself very justly remarks: "It will be, however, a great mistake to look on the Lancashire experiment as proving that large numbers of men may suddenly be turned from one occupation to another wholesale. This has not been accomplished in Lancashire, nor will it ever be practicable. Out of thousands of men involuntarily idle, hundreds only have had profitable work found them."

The limited nature of the employment given, he goes on to say, had been cited to show that the Act was a failure. The answer that he gives to this accusation is as follows: "The experiment of attempting to provide labour wholesale for large numbers (whole masses of men) was tried in Ireland during the years of famine, and utterly failed. If any similar attempt had been made in Lancashire, the failure must have been as palpable." A number of factory operatives, small in comparison to the large number of men deprived of their normal employment, were engaged on the public works. These men were duly mixed with skilled workmen, and in this way were able to do useful service. The selected few were employed at work for wages, and the dispiriting task work prescribed by the

Poor Law was not necessary. But even for these "an allowance to supplement wages, for the first six weeks of training, was made" (from charitable or Poor Law sources), "with suitable warm clothing for winter wear, and waterproof boots," etc. The aid given, therefore, cannot accurately be described as adequate.

In a preliminary estimate furnished by Mr. Rawlinson, he states that out of an expenditure of one and a half millions, only £431,756 could be set down as payable to unskilled labour. Skilled labour would absorb £175,490; materials, £698,645; plant and superintendence, £94,109; and the purchase of land for parks and recreation grounds, £100,000. The result, as far as the employment of unskilled factory operatives is concerned, was not very different from the estimate. For instance, the expenditure of £66,355 in Blackburn is thus accounted for in the Report, 1864–65 :—

Skilled labour	£12,000
Unskilled	11,500
Team labour	3,000
Materials	30,655
Sundry new roads, etc.	600
Superintendence, land, damages, etc.	8,600
	£66,355

From Stockport a similarly detailed account is furnished, showing that out of £21,441, only £6456 was paid to unskilled labour. At Wigan £8678 was spent, of which only about £1300 went in payment of unskilled labour. Larger payments to unskilled labour are quoted from other places, especially where the local bodies took the management into their own hands, and sacrificed the efficiency and economy of the work to the interests of relief.

In fact, as Mr. Rawlinson says in one of his reports, the Public Works Act was not a charitable measure, and its success as a work of sanitary engineering

required that it should not be administered as a mere measure for the relief of destitution.

In times of industrial depression, whether it arises from normal causes or from such an abnormal incident as the relapse of civilised nations into military violence, the unemployed operative, if he fails spontaneously to find other employment, must be relieved either by creating an artificial demand for his services, or by relief given to him under the Poor Law. In normal times, when society is suffering merely from the imperfect organisation of exchange, it is undoubtedly best to rely on the spontaneous redistribution of labour according to the demand of the market. The right to relief from the Poor Law is an impediment to the full operation of this force; but as safeguarded by the reforms of 1834, a wise local administration can prevent such a system from materially hindering the desired distribution. In times of abnormal disturbance, brought about by causes that are not industrial in their origin, it is arguable that an artificial dislocation of industry must be met by an artificial creation of demand for labour. This was the policy (in so far as that measure is to be regarded as one of relief) of the Public Works Act which Mr. Torrens, in his able pamphlet, wished to see adopted as the normal remedy for abnormal occasions.

The objections seem to be—(1) That it is difficult to distinguish between a crisis which can and ought to be surmounted by a natural and unassisted redistribution of labour, and one which requires more exceptional treatment. Mr. Torrens, for instance, was prepared to apply this somewhat dangerous remedy to the merely normal crisis which was threatened in the summer of 1861 before the outbreak of the Civil War.

(2) There is great difficulty in devising public works which can give employment to special classes

of distressed operatives. Such work must, for the most part, be open-air work demanding physical strength and endurance. As in the case of the cotton operatives, only a limited number can be so employed, and even these, in the earlier stages of their employment, will require eleemosynary assistance.

(3) On the score of expense, it may be pointed out that only a fractional part of the expenditure acts as relief. If all the distress of the Cotton Famine had been met by devising "work for wages" for all the unemployed operatives, the burden would have been ruinous. The fixed charges of Poor Law administration are independent of the increase and decrease of the relief distributed. In the case of work for wages, on the other hand, for every pound paid to the distressed workman, five or six pounds has to be spent on material and skilled labour. If, therefore, the pressure is really heavy, and the occasion is not met by voluntary contributions, an extension of Poor Law relief is obviously the only way of meeting the crisis. Relaxation of Poor Law rules is to be deprecated, and experience seems to show that in such crises the assistance of voluntary contributions can be confidently expected; and this co-operation, if properly utilised, ought to render relaxation of the Poor Law unnecessary. A temporary relaxation of a law is really a contradiction in terms. A law temporarily relaxed is a new law, which, once passed, cannot readily be repealed; for, while it is a comparatively easy task to open the floodgates, it is difficult, if not impossible, to close them again.

The ablest apologists for relief by way of public works most distinctly repudiate the policy followed in the Irish relief works of 1846–47. That was an attempt, a real *bonâ-fide* attempt, to make public works not an incidental and infinitesimal aid, as in

Lancashire, but the main method of distributing relief.[1]

In Ireland, of necessity, the so-called relief work degenerated into task work, the test prescribed by the Poor Law. It is a mistake to represent the policy then pursued as a failure, except in the sense that the necessity of relieving a whole population is a disaster which must leave many demoralising results. What happened was inevitable. Work for wages for a whole population is not a condition of affairs which can be inaugurated at the beck and call of the Government. On the contrary, it is the result of a highly organised state of industrial society. Government can feed a starving people, but it cannot organise industry for them. The work provided in the Irish experiment was Poor Law task work, but the expedient enabled authorities to feed the whole population. The Lancashire experiment provided work for wages for a limited number of distressed operatives at an expense totally disproportionate to the relief thereby afforded, and even this it was only able to do because of certain altogether accidental and exceptional circumstances.

Certain public services, *e.g.* sewerage, water-works, street paving, are, in most communities, left to the municipal authority, and in Lancashire this public authority had largely neglected its duty, and when the crisis came it was possible for the local bodies to create a certain amount of additional employment. As a rule, however, these arrears do not exist in unlimited quantities, and times of crises are not, from a financial point of view, the most propitious for extensions of municipal expenditure. Government has no substitute which it can call into operation to supply the place of the economic demand for labour. Unless

[1] The most famous object-lesson of the failure of relief work is to be found in the *Ateliers Nationaux* in 1848. See *Histoire des Ateliers Nationaux*, par Émile Thomas, 1848.

the economic demand is restored when the arrears of municipal neglect are overtaken, the congestion of labour remains worse than before.

Mr. Torrens therefore, in this part of his indictment, and it is the principal part, seems to us to have failed. The temporary and hastily introduced union chargeability and county chargeability was a wise move. Special borrowing powers, at the instance of the Lancashire members, were included in this earlier measure, but the sums so raised were to be expended in the ordinary manner prescribed by the Poor Law. The Public Works (Manufacturing Districts) Act was a more novel experiment, introduced when the danger was practically passed. It was limited in its application, and it was justified by the fact that accidentally public bodies had been remiss in their sanitary duties, and further, by the fact that the interruption of trade proved to be of a temporary character. If the distress had been caused by a permanent displacement of this great industry, the relief by public work must sooner or later have come to an end, and the population would have been left in a more aggravated condition of congestion than before their inception; and ultimately, as in 1834, the absorption of the population by the market must have been looked to as the only permanent measure of relief.

In another part of his indictment Mr. Torrens seems to us to have been more successful. He complains that there was no concerted action between the Poor Law and the charitable committees, which were everywhere organised when the distress became serious, and further, that Mr. Farnall, the Special Commissioner, did little or nothing to establish a proper understanding between the two agencies.

We have given some account of the legislative steps taken for the relief of distress: to complete the history

of the time, it is necessary to give some account of the action taken by the charitable public.

In 1861 the winter level of pauperism was reached three months earlier than usual. In the 28 unions principally affected the number of paupers was by the end of the year 25 per cent. over the normal limit, and by the end of January 1862 it was 70 per cent. above the amount of earlier years. It was well known locally that a great drain was being made on the savings banks, co-operative loan funds, and other provident institutions of the working class. The month of February (1862), which usually sees a diminution of the winter pauperism, showed a still further increase to 105 per cent. over the same period of 1861. In some districts the burden was much heavier, for some of the 28 unions had other considerable sources of employment. At Ashton-under-Lyne, at Glossop, and at Preston the increase was 213 per cent., 300 per cent., and 320 per cent. respectively, and, as already pointed out, the pressure at this date was on the parish and not on the union.

Public-spirited residents at once saw that the crisis was one which ought not to be left to the Poor Law. Before the end of April relief committees were formed in Ashton, Stockport, Preston, and Blackburn, and in the following month Oldham and Prestwich followed their example. The distress, however, continued to increase, and it was felt that something more than local effort was necessary.

A controversy was raised at the time, and afterwards, how far Lancashire was justified in appealing to the general public for assistance. The poor-rate in the busy manufacturing districts had not been heavy, and the increase of rateable value had been great and rapid. It was pointed out that the poor-rate in Wigan was only 2s. in the pound, and that, therefore, there was a large margin on which the guardians could draw.

The poor-rate of Norwich was a permanent burthen of 5s. in the pound, and it had never been suggested that national charity should relieve the Norwich ratepayers of their responsibility. The answer made was that the 5s. in the pound at Norwich was of ancient origin, and had really become a permanent charge on the owners of land, while obviously any increase in the rate in the new manufacturing districts would fall on the occupier, the manufacturer, who in many cases was trading on credit, and whose assets in the shape of mills and machinery were largely depreciated in value; on the shopkeepers, whose customers had ceased to buy; and on the working class, who, throughout all the district affected, were considerable owners of cottage property, and also of shares in limited liability mills. The majority of the mills, moreover, were small. Out of a total rating of £732,778, about £275,362 was on mills under £500 per annum each. An indefinite extension of the poor-rate, it was argued, was in the circumstances impossible.

Be that as it may, the public felt that the crisis was one calling for extraordinary effort, and various relief funds, local and national, were started. Much was done of which no statistical record has been preserved. It was stated, for instance, by the correspondent of the *Times* (Torrens, p. 136), that not a single communicant, either churchman or dissenter, had been allowed to come upon the relief list. Lord Egerton of Tatton, at his own expense, set some of the unemployed to work on his land, and other landowners followed his example.

In the *Times*, 14th April 1862, appeared the first of a series of letters from Mr. Whittaker, signing himself "A Lancashire Lad," appealing for assistance from a larger public. The Lord Mayor of London opened a subscription list. The Mansion House committee made their first grant on 8th May 1862, and

continued a weekly subscription to Lancashire till 6th June 1865. During this period £528,336, 9s. 9d. was received, of which about £10,000 remained on 6th June 1865. Of this sum £183,031 came from foreign countries and the colonies.

On 29th April 1862 Mr. Goadsby, Mayor of Manchester, held a meeting, when it seems to have been decided that for the present nothing need be done. A second meeting was held a little later, and, as the result, the formation of a committee was announced. Mr. J. W. Maclure was made honorary secretary, with a committee principally of Manchester men and the mayors and ex-mayors of all the boroughs in the cotton district.

In London, on 19th June 1862, a great meeting was held at Bridgewater House, with the Earl of Derby in the chair. As the result of this some £52,000 was subscribed.

Lord Derby and Mr. Maclure arranged that, out of the general local committee, an executive central committee should be formed in Manchester, and that all subscriptions should be forwarded to it for distribution. To this committee Mr. Farnall, the Special Commissioner of the Poor Law Board, was added at his own request. The general committee still met occasionally, but principally for formal business. At its meeting of the 3rd November 1862 an important speech urging greater activity was made by Mr. Cobden.

He calculated that 7 millions a year was at the present rate being deducted from the wages of the district, and, he added, all losses taken together, could not be less than 10 millions, while at the present rate of subscription only £300,000 was forthcoming. The burden of the rates was increasing at the rate of £10,000 a week. The pressure was cumulative, because the rateable area was being contracted by the failure

of the poorer ratepayers. The relief given by the Poor Law, he pointed out, was not adequate. It rarely amounted to as much as 2s. a week for each person. The poor could not, as in normal times, supply the deficiency; all were distressed. The case was totally exceptional, and must be met by a national effort. Their general committee should be made a national committee. He urged that the mayors throughout the country should be invited to collect a fund; and, in his opinion, a fund of not less than £1,000,000 would be required to carry them through the crisis. Up to that date the subscriptions only amounted to £180,000. Shortly after this Mr. Cobden's idea was adopted.

On 2nd December 1862 a great Lancashire meeting was held. Some remark had been occasioned by what was deemed the remissness of the magnates of Lancashire. The *Times* had warmly advocated the policy of a national relief fund, but had added some severe remarks on the supposed indifference of the rich manufacturers, and it had opened its columns to Mr. Charles Kingsley, who compared the heavy poor-rate of Wessex with the lighter burdens of Lancashire. Wessex, he said, would give, but would give grudgingly till Lancashire had submitted itself to a heavier poor-rate. The manufacturers retorted, not unfairly, that they supported the labourer by paying him adequate wages, a preferable plan to the inadequate wages and heavy poor-rate of the rural districts.

At the meeting of the 2nd December the Earl of Sefton took the chair, and the Earl of Derby was the principal speaker. He pointed out the vast increase of pauperism. In a population of about 2,000,000 there were, in the fourth week of September 1861, 43,500 receiving parochial aid. In the fourth week of September 1862 there were 163,498, and in the third week of November the number had further increased to

259,385. The weekly expenditure for these periods had been £2259, £9674, and £17,681. In addition, about 172,000 persons were receiving relief from charitable sources. In 7 savings banks alone, for 6 months ending June 1862, he found that the withdrawals had exceeded the average by £71,113. Enlarging on these and similar details, he had no difficulty in showing that great and unprecedented distress existed. He then entered into an able defence of Lancashire. Comparisons, he showed, were apt to be fallacious. He instanced one place in which a young millowner recently started in business had maintained all his workpeople, paid one-third of the poor-rate, and stood at a loss of £300 per annum for unpaid cottage rents. This district applied for a grant, and it was at first refused on the ground that there was no local subscription; but on inquiry it was found that the only person able to subscribe was the millowner, who had already undertaken a responsibility more than equal to his strength. Many other similar instances were adduced, and he pointed out that out of £540,000 in subscriptions received by the central committee, £400,000 came from Lancashire. At the meeting about £70,000 additional subscriptions were given or promised. Little more, Mr. Watts tells us, was now heard of the default of Lancashire.

The Bridgewater House committee, in handing their money over to the central executive, made it a condition that it should be used for the relief of cotton operatives who were not also in receipt of Poor Law relief, and it is regretted by Mr. Watts that this policy was not adopted and maintained. There is no doubt, he says, that if the central committee had been first in the field it might have attempted this noble but difficult task; but he points out it is difficult, if not impossible, to distinguish between cotton operatives and those who only indirectly obtained their living

from the prosperity of the cotton trade. The best course would have been, he thinks, to maintain by private charity all whose means of livelihood had been swept away by the American War, and to leave the normal pauperism to the Poor Law. But the enormous funds required for such a policy were not at the outset available, and, before the suggestion of the Bridgewater House committee had been received, a different course of action had been entered on. It was, in fact, found impossible to carry out the Bridgewater House proposal, and over a considerable part of the district the charitable funds were used to supplement the Poor Law allowance. The District Provident Society of Manchester, which seems to have been the principal of the established charitable societies of that town, made it their rule to assist only those who were accepted as proper recipients by the Poor Law. Several relief committees already started in Manchester were made branches of the District Provident Society, and to that society the work of distribution in Manchester was confided. Elsewhere the central executive recognised one committee only for each district. Some attempt was made to bring about uniformity of practice, but in the end much was necessarily left to each district committee.

The guardians found much difficulty in devising a proper task of labour for the able-bodied. Strong objections were made to oakum-picking. The Manchester guardians adopted a proposal for instituting a school test as an alternative. The plan was thought to work well, and was gradually adopted throughout the cotton district. Mr. Torrens represents the attendance of adults at schools to have been an almost farcical expedient, but such is not the general testimony. Able-bodied men set to work to learn their letters may frequently have found their task wearisome and irksome, but its adoption was nevertheless accepted as

showing a considerate regard for the unmerited suffering and independent spirit of the labouring population. In the winter of 1862–63 there were as many as 48,000 men and youths in attendance at these schools, and great efforts were made to make them interesting as well as useful. Sewing classes were organised for the women and girls. A certain amount of work for wages was also provided by the local committees. An excellent manual of rules was sent out by the central executive, and some of the committees seem to have acted on it. It pointed out the inadvisability of providing work for wages as a means of relief. The poor-rate and charitable funds should provide the means of sustaining health. "It is possible to adjust a scheme of labour to a scale of relief adapted simply to maintain health by paying for work done by the hour at the usual rate, and not requiring more hours' work than will enable the workman to make his labour and that of his family equal, at that rate per hour, to the scale of relief intended to sustain health. Any other plan involves a very grave departure from the true principles of relief administration."

As already noted, the maximum pressure was reached in December 1862, in the last week of which month 485,434 persons were relieved. In January, 451,343 recipients were recorded. The tide had turned. There was, however, nothing in the state of the market to show that manufacture could be resumed on a large scale. The prices per lb. of raw cotton and of "mule yarn," the manufactured product, were practically identical, thus leaving no margin to cover the cost of spinning. There was, however, some speculative manufacture, and the committees were beginning to understand their work, and were now able to reject improper applications. The strictness of the central executive committee rendered a most useful service, for many operatives were thereby induced to

seek and obtain other employment, and the district was saved from falling into a state of permanent pauperism. Their action was criticised by some portion of the local press; but though not popular at the time, the committee had the satisfaction of knowing that their firmness was justified and productive of the best results. The tale of persons relieved continued to decline, and in the spring of 1863 some increase of employment took place. In October 1863 there was evidence that the return to work had been too rapid, and a reaction took place which continued till February 1864, when the tide again turned, and employment began to improve till, in September and October 1864, it was again checked by the more immediate prospects of peace. "Middling Orleans" fell from 31d. per lb. to 24d. per lb., and shirtings from 33d. to 24d. Manufacture was brought again to a standstill by this violent fluctuation in price. In November and December employment was again increased, and about half of those thrown out of work by the peace panic were reinstated. When in February 1865 peace really did come near, there was another panic, but this time on a smaller scale. The rebound of prices came within a month of the declaration of peace, and thus enabled manufacture to increase regularly and rapidly, till, in the summer of 1865, the great Cotton Famine may be said to have ended. The last report of Mr. Maclure, the honorary secretary of the central executive committee, gives the most succinct account of the financial aspects of the question, and is worth reproduction in full :—

"MANCHESTER, 21*st November* 1864.

"MY LORDS AND GENTLEMEN,—The accompanying tables[1] afford a comparison between the ordinary expenditure for relief of the poor in the 28 unions of

[1] A brief summary only has been included here.

the cotton district and that of the years which have been affected by the Cotton Famine.

"The excess of expenditure over 1861 (which may be taken as an average year) in in-door maintenance and out-door relief, including that of the local relief committees, in the year ended Lady Day 1862, was £40,221; in 1863, £1,287,597; in 1864, £949,554; and during the six months ended Michaelmas 1864, over £300,000, being a total excess of expenditure of £2,577,372 in the three years and six months during which the present exceptional state of distress has continued.

"During the *three* years ended Lady Day 1864 the guardians expended in the relief of the poor £1,937,928, and the local committees £1,372,454, making a total of £3,310,382; whilst in 1861 the guardians of the poor spent only £313,135.

"Of the amounts received by the committees, £289,938 was from local sources; but in addition to that amount the central committee received £276,453 in subscriptions from the cotton districts; and it is estimated that no less a sum than £220,000 was locally distributed in private charity beyond the large amount voluntarily remitted by manufacturers and property owners for cottage rents.

"For the information referring to the guardians' relief, I am indebted to Mr. F. Purdy of the Poor Law Board.

"I have the honour to be, my Lords and Gentlemen, your most obedient servant,

"John William Maclure,
"*Hon. Secretary.*"

The tables referred to show that in 28 unions affected (namely, Ashton-under-Lyne, Barton-upon-Irwell, Blackburn, Bolton, Burnley, Bury, Chorley, Chorlton, Clitheroe, Fylde (The), Garstang, Glossop,

Haslingden, Lancaster, Leigh, Macclesfield, Manchester, Oldham, Preston, Prestwich, Rochdale, Saddleworth, Salford, Skipton, Stockport, Todmorden, Warrington, Wigan) the guardians and local committees spent, in the year ending Lady Day—

Guardians. (In-door and out-door Maintenance only, exclusive of lunatics.)	Local Committees.	Total.	Total rate in the pound.
		£	s. d.
1861. £191,101.	nil.	191,101	0 $7\frac{5}{8}$
1862. £231,322.	nil.	231,322	0 $9\frac{1}{4}$
1863. £660,531, or 2s. $2\frac{3}{8}$d. in the pound. Ranging from 4s. $3\frac{1}{4}$d. in Glossop to $7\frac{7}{8}$d. in Boston.	£809,167, or 2s. $8\frac{1}{8}$d. in the pound. Ranging from 8s. $8\frac{1}{4}$d. in Ashton to $1\frac{1}{2}$d. in the Fylde.	1,469,698	4 $10\frac{3}{8}$
1864. £577,368, or 1s. 11d. in the pound. Ranging from 5s. 9d. in Glossop to 9d. at Lancaster.	£563,287, or 1s. $10\frac{1}{2}$d. in the pound. Ranging from 10s. 10d. at Glossop to nil. at Warrington, Garstang, Fylde.	1,140,655	3 $9\frac{1}{4}$
1865. £392,076, or 1s. $3\frac{1}{2}$d. in the pound. Ranging from 2s. $4\frac{3}{8}$d. at Ashton to $5\frac{1}{2}$d. at Prestwich.	£188,012, or $7\frac{3}{4}$d. in the pound. Ranging from 4s. 10d. at Glossop to nil. at Manchester and five other places.	580,088	1 $11\frac{1}{4}$

The general verdict seems to have been, in spite of Mr. Torrens' criticisms, that the crisis had been successfully met and that the result would strengthen the confidence of the country in the new Poor Law administration. Subject to one or two qualifications, this conclusion seems to have been well founded.

We cannot agree with Mr. Torrens that the local Poor Law authority of the country should be able, at its own discretion, to apply remedies, which may be suitable for extraordinary occasions, to the normal requirements of relief administration. We are

disposed to think that, on the whole, the action of the Poor Law Board was wise and statesmanlike. The somewhat exaggerated praise which has been given to the Public Works Act is not due to misrepresentations made by the board or its officials. The public, which is ever anxious to discover some panacea by which the evil of destitution, and of the imperfect working of our economic system, can be wholly removed, in spite of the careful language of the Poor Law Board Reports, hastily assumed that this public works policy was the long-sought-for invention. Our reasons for questioning this conclusion have been given.

An exceptional occasion requires exceptional measures, but the public is not bound to meet all such occasions by changes in the law. Relaxations of the Poor Law are to be deprecated. It is for many reasons desirable that extraordinary crises should be met by voluntary action. To begin with, the poor-rate is assessed on one class of property which by no means represents the ability of the owner to contribute to a national fund. As far as equity is concerned, a man's willingness to pay is quite as fair a test of his ability as a pound rate on those who happen to be the occupiers of land and buildings in the rated area. A voluntary national effort begins and ends with the necessity for it. A relaxation of the law is a precedent for future action, and it not infrequently takes the shape of a permanent alteration of the law. With the experience of the ruin wrought by the relaxation of discipline and manners under the old law, any relapse into such practice is to be carefully avoided, not only in the interest of the ratepayer, but in that of the labourer. Mr. Torrens and other commentators on the management of the famine relief have dwelt on the strong repugnance felt by the independent labourer to the Poor Law and all its

works, but they are not equally correct in supposing that the labourer has less objection to public relief from a charitable source. The idea that the poor man prefers to be relieved from a public fund contributed by charity rather than from the poor-rate seems an unwarranted assumption. Private charity which reaches him through some private and personal source, and is offered rather than demanded, is of course something entirely apart and cannot be organised either by legal boards or by public committees. But as regards public charity, there is no feeling of this kind in the mind of the working man; if there is a preference, it is rather the other way, namely, for a subvention from the rates to which he himself contributes, and to which, according to the disordered political teaching of the day, he may be persuaded that he has a right. The argument, therefore, that the labourer preferred charity to the Poor Law, though it seems to make for the contention here maintained, is not one on which it is safe to rely. It is largely contrary to fact; and, if it were true, it does not furnish any conclusive ground for decision. The desirability of meeting exceptional crises by voluntary effort rests on the necessity of preserving the Poor Law intact, and leaving it to deal with normal pauperism by a uniform administration. Elected local bodies, whose duty it is to distribute funds among a section of their constituents, are not judicial tribunals fitted to decide whether a crisis is exceptional or otherwise. Their motives are open to influence and to misconstruction, from which they ought to be protected; and in matters of relief, the less that is left to the discretion of the local authority the better for the purity and honesty of the electorate.

The relaxations of Poor Law administration adopted, with the approval of Mr. Farnall, the Poor Law Board Commissioner, by the Lancashire authorities, were

deprecated by Mr. Torrens, because he thought that the crisis should have been more largely met by a public works policy. The Poor Law authorities, however, it is to be remarked, never abandoned the regulation that relief was only to be given to the able-bodied in return for a task of work, though, by accepting school attendance as a form of task, they gave a considerable latitude to the Out-door Regulation Order. Like Mr. Torrens, we deprecate the relaxation of the legal provision for affording relief, because we believe that through a judicious co-operation with charitable effort this relaxation might have been unnecessary. The confusion and overlapping, which undoubtedly to some extent took place, seems to us to be a very minor evil compared with what would have resulted if the authorities had given any assent to the doctrine that they are bound to provide work for wages for unemployed labourers at times of industrial crisis. The apology framed by Mr. Watts for his colleagues on the central committee is to some extent an admission of failure. It would have been better, he frankly admits, if Poor Law and charitable relief could have been kept apart. The same question has arisen in more recent years, and various proposals have been made; and it may not be out of place here to indicate the suggestion which appears to be the most practicable for compassing the object in view.

In an interesting memorandum addressed to the central executive committee, and subsequently adopted and published by them, Lord Derby discusses the course which ought to be pursued with regard to unemployed operatives who are in possession of property of various kinds. It is framed in a spirit of common sense and humanity. The rule for the Poor Law is, of course, clear enough. If an applicant has property, he is clearly not destitute, and the Poor Law authority has no right to interfere. This rule is not, of course, pressed so far as to oblige an applicant for Poor

Law relief to part with furniture and clothing. The sound rule, and the only rule which can work impartially, is to leave the question of what constitutes destitution to the discretion of the applicant. This is accomplished by the offer of in-door relief to those who are prepared to accept it in exchange for such maintenance as they are able to get from their own resources in their own homes. The relaxations permitted under the Out-door Regulation Order, in so far as they depart from this automatic method of decision, do not work satisfactorily. This rule, however, does not bind the administrators of a charitable fund, and Lord Derby's proposal seems a reasonable solution of a practical difficulty of administration. Money deposited in a savings bank ought, he thought, to be exhausted before application for relief could be entertained. Shares in local co-operative undertakings and cottage property, which were largely held by the cotton operatives, were, however, at that time unsaleable, and it was very reasonably argued that owners could not be forced to realise.

This ruling is not strictly logical, but it forms a precedent for the plan of regulating relief, with some regard to the earlier thrifty effort of those who at a later time become applicants for relief. The great difficulty at times of crises is to determine what section of the distressed population is to be relieved by the Poor Law, and what section by voluntary agencies. Every rule which gives preferable terms to some will naturally be unsatisfactory to those who are condemned to the less agreeable terms of relief. Still, the following considerations, if they do not carry conviction to the applicants, will, if discrimination has to be observed, seem as reasonable as any that can be devised. The author has had opportunity of seeing the rule in operation, and the argument on which it is based has occasionally seemed unanswerable even to those who have suffered under its application.

To the larger public it is now submitted as the best arrangement applicable in the circumstances. Given a Poor Law union where the guardians, relying on the assistance of the local charities, are determined not to relax the strict administration prescribed by law for the able-bodied; an unemployed operative applies for relief, he is told by the guardians that they are acting on the Out-door Relief Prohibitory Order, *i.e.*, that to the able-bodied no relief is given outside the workhouse. He then applies to the charitable agency; he is there asked what provision he had made for himself and his family in the event of sickness. The answer may be that he has made no provision, and that he proposed to go to the Poor Law infirmary, if he was sick. It is then pointed out that, as he was content to take his relief in sickness from the Poor Law, it seems appropriate that now, being out of work, he should take his relief from the same source. He will then ask what is to become of his family and home. In the arrangement of which the author is cognisant, it was usual in such cases for the charitable society to undertake the relief of the family for the period of the man's remaining in the workhouse, and for another week or longer when he came out, in order to give him a chance to look for work. In the Whitechapel union, as a variation on this plan, the guardians obtained permission from the Local Government Board to give the necessary out-door relief to the family from their own funds.

If, on the other hand, the reply to the preliminary question as to the provision made for sickness, is that the applicant belongs to a sick club, or has made savings which are exhausted, he is at once given adequate relief for himself and family. In a time of very exceptional pressure it might be advisable for the charitable public to supplement this arrangement by something of the nature of a public work,

expressly confined to the more provident section of the labouring population. The objections which render this course undesirable, except in the last resort, have already been stated, and this second line of defence, it may be pointed out, will be successful in so far as it follows the precedent of the Public Works Act of 1863, and is not made a measure of relief. If it is allowed to deviate from that example, and is used as a universally applied measure of relief, it is bound to degenerate into the spurious "work for wages" system employed in the Irish famine, which, as all reports agree, became quite as perfunctory as the stone-breaking and oakum-picking test of the Poor Law.

Experience happily shows that recourse will rarely be necessary to the artificial creation of work for wages. In the first place, the acceptance of relief in the workhouse for the head of the family, with home relief to the family, is not often accepted by the unthrifty class to which it is offered. Some more palatable expedient generally presents itself. In some cases it sends the habitually idle man to work, and in others it implants in the habitually improvident man a resolution to save some of his earnings. In comparatively few instances does it result in any increased burden on the rates.

The offer of a charitable society to relieve all provident men who are out of work may seem on the face of it a heavy responsibility. This arrangement has been pursued, however, by a society in one of the poorest parts of London for many years, and in practice the burden has been infinitesimal. The man who provides against sickness is a responsible being, and he also makes some provision for seasons of depression. He is not, moreover, of the class which is habitually out of work. His reluctance to obtrude his claim on a charitable fund is great, and it will be no benefit to him or to his class to remove that reluctance. If he

does accept such assistance, he is not deluded into supposing that his difficulties are past, as too often is the case when a fictitious demand for his service is created by some public work. On the contrary, he continues to look for real "work for wages," and in the end invariably finds it.

Happily, since the Cotton Famine, no crisis of great magnitude has arisen. This is due to some extent to the greater diversity of employments, and to the comparative immunity of our industrial system from the interruptions of war. Depressions of trade, such as Mr. Torrens pointed out as being threatened in the earlier part of 1861, are part of the industrial system; but they are best cured by the redistribution of the congested labour and capital, through the natural operation of the market. Any attempt to substitute an absorbent Poor Law or an absorbent system of relief by means of public works, instead of the absorption of a healthy market, would be fatal to a society whose material welfare depends entirely on the rapidity and ease with which the supply of labour and capital is distributed to meet the demand of the market.

CHAPTER XIX

THE EDUCATION OF PAUPER CHILDREN

Alteration of the public sentiment with regard to education—Early experiments—Public maintenance and education can never be an adequate substitute for a home—Grounds put forward for insisting on the formation of districts for school purposes—This policy checked by Mrs. Nassau Senior's Report in 1874—The present controversy as to methods—Schools, boarding-out, etc.—Comparative success of all these methods.

In endeavouring to understand the attitude adopted by the Poor Law to the children intrusted to its care, we must remember that the term education at different times and to different persons has borne a very varying interpretation. In common parlance it has now come to mean not the drawing out of the human faculties generally, but the drawing out of the mental faculties through a curriculum which, even when confined to reading, writing, and arithmetic, is more or less literary in its character. For the richer classes a certain tincture of letters has always been thought necessary, but during the first half of this century the public conscience valued very lightly this form of education for the poor. Many voluntary efforts were, of course, made on a limited scale to put education, as now understood, within the reach of such members of the poorer classes as were anxious to acquire it; but public opinion, in the main, acquiesced in the view that scholastic education was not a very essential requisite to the children of the poor, and parents of the poorer class were more interested in their children's training in the crafts which they intended to follow in after

life than in the education which is imparted by books. The influence of the old Poor Law on this situation was probably altogether baneful. There was, as we have seen, no adequate classification made by the parish authorities, and only the most perfunctory attempts were made to provide schools for the children whose misfortune it was to become dependent on the Poor Law.

In their neglect of formal schooling, the authorities merely adopted the current opinion of the time; but a more serious injury was done by the influence of the Poor Law when parents ceased to interest themselves in the education involved in giving a successful start in life to their children. We have noted how the Poor Law Amendment Act, to a limited extent, induced the parent to accept and discharge his responsibility in this respect (see p. 209). Meanwhile, mainly through the influence of the philosophical radicals, who were also the authors of the new Poor Law, the zeal of the educationalist, as now understood, became a force in the land. The idea of a society successfully organised on the economic competency of the units of which it is composed, as a thing to be laboriously and patiently struggled for, if it ever was conceived at all, was enthusiastically sacrificed to the opinion which later found practical expression in the Education Act of 1870; the opinion, in fact, that an elementary literary education was of far greater importance than the economic independence of the individual citizen. This development of opinion, which had for long been ripening in the public mind, naturally affected the administration of the Poor Law. The arguments which led the State to encroach on the parental authority by the introduction of compulsory and then gratuitous education were *à fortiori* binding, when the State already stood *in loco parentis* to the children committed to its care.

In the earlier years of the new law, intelligent boards of guardians were actuated by much the same motives which appealed to intelligent parents, and they provided the best education that seemed to be within their means. By the very earliest orders of the central authority, classification was enjoined, involving the separation of the young from the adult population of the workhouse. This policy had been adopted even previous to 1834 in the Atcham union, and subsequent to the Act was developed on common-sense lines. The services of a qualified schoolmaster could not be obtained, so the board appointed "a practical agriculturalist of good moral character," who could be trusted to do what he could for the welfare of the children under his care.

Under the watchful supervision of Sir B. Leighton, the chairman of the union, this modest provision is said to have answered admirably, and it formed a model for other unions in Shropshire and elsewhere. The allegation that a workhouse education leaves what is called a pauper taint was strenuously denied and disproved by a great weight of evidence. The reason of this is not far to seek. Children under the age of emancipation are of necessity dependent on some one. The mere fact of their dependence is not sufficient in itself to corrupt them. If they are allowed to mix indiscriminately with the adult and often vicious paupers, either at home or in the workhouse, harm will naturally come of it; but if the children are properly secluded, and if the school is properly managed, the result need not be unsatisfactory.

No child bereft of a home through the death or misconduct of its parents, and the failure of friends and relations to take the place of a parent, can be as happy as a child which has the inestimable benefit of home-life. Injustice and misunderstanding are occasionally unavoidable in the dealings of adults with

children, but it is undoubtedly true that the effect of these is much more harmful to children when it proceeds from a source outside the family. Filial affection will condone faults and indiscretions in a parent which, exhibited by a guardian not related by the family tie, are apt to produce sullen rebellion and feelings of bitterness destructive of the happiness of childhood. This, probably, is the reason why Poor Law schools must always be a source of some misgiving and anxiety. Poor Law schools are, however, a necessary part of a Poor Law establishment, not only for orphan children, but also for the children of widows, as in the latter case the offer of the schools for a part of the family is the only check which guardians can impose on the custom, that in the poorer classes no one is called on to make a provision for a widow and children. It is satisfactory, therefore, to find that in the whole range of Poor Law administration the school is the one institution which, as far as the children are concerned, has a dispauperising influence.

The principal difficulty in the way of organising efficient schools for Poor Law children arose from the fact that the number of children under the care of each union was frequently so small as hardly to justify the erection of separate accommodation and the expense of competent teaching. Children of widows were then, even more than at present, relieved at their own homes. The education of the children of widows in receipt of out-door relief was left in the hands of the parent, but by the 18 & 19 Victoria, cap. 34 (1855), guardians were authorised to pay for the education of the children of out-door paupers, an enactment involving the important admission that want of education was a form of destitution, which ought to be adequately relieved.

It was argued by the Commissioners that this difficulty of insufficient numbers might be overcome by the union of unions for school purposes, and facilities

for this policy were given by the Act 7 & 8 Victoria, cap. 101 (1844). In 1861, however, only 6 districts under this Act had been formed,—3 in London and 3 in the country, and the total number of districts has never, we believe, exceeded a dozen. From this date down to 1877, when the school district of Brentwood, since dissolved, was formed, this policy of district schools may be said to have been the plan most in favour at the central board.

The arguments in favour of it were obvious. Facilities for sending Poor Law children to ordinary elementary schools did not exist. The responsibility for making educational provision clearly rested on the guardians, who had assumed the duties of the parent. As the requirements of education increased, the guardians found that they could not in each union make suitable provision for a score of children. There was great difficulty in getting teachers, and the teachers naturally preferred the larger schools. In 1846 parliament voted a sum of money, £15,000 (in subsequent years the sum was enlarged), to be distributed in salaries to teachers in Poor Law schools, under the superintendence of the Council of Education. The council would not recognise the very small schools, of which there were, however, a large number. Writing in 1871, Mr. H. W. Bowyer (First Report of Local Government Board, p. 224) states that "after recommending without success for a period of 24 years the consolidation of workhouse schools into district schools, I have at length the pleasure to report the erection of one in my district," namely, the West Bromwich and Walsall unions district.

Indeed, it may be said that the success of spreading the district school policy was in inverse ratio to the alleged necessity. The whole subject seems, indeed, to involve another game of cross purposes. The central board represented the more or less advanced school

of educationalists, while the guardians pursued an obstructive policy. In some large centres of population, notably in London, where such amalgamation was less necessary, the district school principle was adopted; but elsewhere the objections of the guardians proved insuperable. According to the Twenty-fifth Annual Report of the Local Government Board, there were 11 district schools throughout the country,—Central London, South Metropolitan, North Surrey, Farnham and Hartley Wintney, South-east Shropshire, Reading and Wokingham, West London, Forest Gate, Walsall and West Bromwich, Kensington and Chelsea, Metropolitan Asylum District (training ship *Exmouth*). The metropolitan common poor fund formed the lever by which the central board brought influence to bear on the metropolitan unions. In the smaller centres of population the policy of amalgamation with a view of promoting efficiency remained a dead letter. The guardians thought their schools, such as they were, good enough, and they regarded the advice of the board as the emanations of educational fanaticism. The passing of the Education Act of 1870 happily made it less necessary for country guardians to try their hands at school management. About the year 1870, a period at which the public was taking a more intelligent interest in Poor Law questions than it has done perhaps either before or since, much adverse criticism was directed against our Poor Law school system, both as conducted in workhouse schools and in district schools. Mrs. Nassau Senior was appointed to inquire into the subject, and in 1874 her report, which attracted much attention, was made public. It condemned the effect of massing together large numbers of children, particularly girls. The condemnatory part of the report, although it called forth a spirited, and in many respects a successful, rejoinder from Mr. Tufnell, who had now retired from

the post of inspector, is probably more or less justified. The children collected in a pauper establishment come from the worst homes in the land; many of them make only a temporary stay, and the habits and character of such children, if not satisfactory, ought not to be imputed exclusively to the neglect of the temporary guardian. The local administrator, more especially in the poorer parts of larger towns, is not a model of enlightenment, he frequently regards the schoolmaster, who often is a person of education and social position superior to his own, with great jealousy. The policy of making the officials independent of the caprice and factious jealousy of the local board is, of course, absolutely necessary, but the plan has its disadvantages. It protects a conscientious official to some extent from the malevolent interference of persons who, socially and intellectually, are his inferiors, but it also makes a neglectful and injudicious servant much more independent of control than is desirable. No one who knows the class of man who at that time had the monopoly of local administration in the poorer parts of London need have any surprise that his management of that very difficult enterprise, a school, was not altogether successful.

Mrs. Senior's report, after condemning, as no doubt was just, much that she saw with regard to pauper schools, recommended the boarding-out of orphan children, and the breaking up of the large schools into smaller institutions. Here it appears to us that she, or rather the party which has adopted her policy, have been led into error. On the one hand, their wholesale condemnation of a system which, though not perfect, was yet not wholly unsatisfactory, seems to be exaggerated. On the other hand, their eulogy of experiments which are obviously quite as liable as the system condemned to mismanagement and abuse, has been so indiscriminate that their

advocacy has never gained the confidence of impartial observers.

A good deal of unnecessary warmth has been introduced into the discussion. The various controversialists seem to neglect one most important consideration, namely, that it is impossible to have a good system of Poor Law education. Some may be worse than others, but a really adequate substitute for home-life, even an unsatisfactory home-life, has not yet been discovered. The apologists for Poor Law schools, in answer to their critics, who dwell with great emphasis on the occasional scandals which from time to time have arisen in connection therewith, point to the favourable statistics of the success in after life of children educated in Poor Law schools. This, it may be objected, proves not that the schools are all that can be desired, but that children, if secluded from vicious influences and the taint of out-door pauperism, find a life of honest independence much more natural than a life of dependence. Boys easily find their way upwards, if they are not dragged down by their relations. Girls are also much assisted by institutions like the Metropolitan Association for Befriending Young Servants, or the Girls' Friendly Society, which are employed by many boards of guardians in what is called the after-care of girls brought up in workhouse schools. The after care of children is of the greatest importance, yet the regulations only provide for visits by the Relieving Officers. Owing largely to the efforts of lady guardians, the responsibility of the boards in this respect is being now more fully recognised.

All this is to the credit of human nature much more than of workhouse schools. It does not and cannot alter the fact that a child deprived of a home by destitution, following on the death or vicious character of its parents, is under a disability and misfortune which no Poor Law regulation can ever wholly remove.

The evidence, on the whole, is irresistible: the children at these schools (both workhouse (*i.e.* separate) schools under the charge of the guardians of a single parish or union and district schools belonging to a combination of unions) are fairly happy; and if they are left long enough under the charge of the school authorities they, with few exceptions, maintain an independent position, and readily adopt for good and for evil the habits of the surrounding industrial population.

The report of Mrs. Senior gave an impetus to experiments in smaller institutions. The boarding-out of orphan or deserted children has been tried with considerable success. It is obvious, however, to anyone who is not a fanatical enthusiast, that the system cannot be extended to children who have a parent still alive, and that unless it is carefully supervised it may become liable to terrible abuses. The system, which was first authorised in 1868 (Twenty-first Poor Law Board Report, p. 25), though it had been adopted by some boards on their own initiative for many years, is now governed by two orders of the Local Government Board, both issued in the present form in 1889—(1) The Boarding-out of Children in Unions Order; (2) The Boarding-out Order. The first of these permits guardians to board out children within their own union, except in the metropolis. The second governs the boarding-out of children in localities outside the union.

The advantages claimed for this method may be shortly summed up in the statement that the system gives the children a natural life, and that, when they grow up, they are, without effort, merged in the general population. The objection taken by Professor Fawcett in his work on Pauperism (p. 79) is based on the fact that the boarded-out children will be better off than the children of the independent. "How many working-men in this country," he asks,

"when they have to support an average-sized family, are able to earn sufficient to devote 5s. a week to the maintenance of each of their children, besides paying for their education and for all requisite medical attendance?"

It is indeed impossible to deny that apparently every provision for pauper children may be regarded as a contravention of this rule. Such argument, while it will warrant the State in being very reluctant to take on itself the responsibilities of parents, will not absolve it from the duty of taking all reasonable steps to fulfil such responsibility as it is obliged to assume. If, as is argued, boarding-out is more successful from an educational and economical point of view, this consideration may be held to outweigh the objection of Professor Fawcett. If, on the other hand, the alleged superiority of the boarding-out system is exaggerated, Professor Fawcett's objection is entitled to some weight.

As it is, his argument has been tacitly neglected. The pauperising influence of relief to children, such as it is, is exercised on the parents of the poorer class generally. This is inevitable, but it is an infinitesimal part of the general provocation to pauperism which is held out by the Poor Law as a whole.

The controversy, therefore, with regard to education turns on the question of which system best enables the Poor Law authorities to discharge their obligations to the children under their charge. On this point much has been written and said, but the conclusion at which an impartial spectator must arrive is, that the question is one of administrative detail and not of principle.

The boarding-out system is not popular with the working-class guardians, not on the ground put forward by Mr. Fawcett, but because they suspect that the motives of the foster-parents who accept charge of the children are largely venal. This, of course, is not

altogether just,—the foster-parents are presumably worthy of their hire,—but it marks the weak point of the system.

Improper persons are occasionally intrusted with the care of children, and in such circumstances the tyranny and abuse which may result is far in excess of any miscarriage that is likely to take place in the more public and more easily supervised workhouse school. All children, moreover, cannot be boarded out, and it is generally admitted that in schools the average efficiency is raised by the children which are permanently under the control of the teachers. If these children are boarded out, and they are the class naturally selected, the guardians are tempted either to have no proper school for the temporary children, and for those otherwise ineligible for boarding-out, or, if they have a school, it is less efficient, because all the more permanent, and therefore more promising, children are being brought up elsewhere.

When the workhouse schools were first started they were generally better equipped and more efficient than the average village school, and even Mrs. Senior dwells on the successful scholastic teaching given in the London Poor Law schools. Since the passing of the Elementary Education Act increased school facilities have become everywhere available, and the practice has since been adopted of sending the children chargeable to the Poor Law to an ordinary elementary school. This plan has avoided many of the difficulties of Poor Law education, more especially in the less populous districts.[1] The children live in a separate building, where supervision is still practicable, and

[1] It is a sore point with some voluntary schools taking Poor Law children, that guardians cannot legally subscribe to the school funds. The school is supported by parish subscriptions, but the Poor Law children are collected from the whole union. If the union is populous, a considerable pressure may be unfairly thrown on the school nearest to the workhouse.

attend the ordinary school of the place. This has not been found generally practicable in populous places, and the line of criticism taken by Mrs. Senior and her successors has induced guardians in some of these places to have what are called Cottage Homes. It is alleged that by dividing up the Poor Law school into a number of "cottages," containing from 30 to 40 children, and by calling the paid superintendent of the guardians attached to each cottage by the name of "father" and "mother," a better result is obtained. There is no reason that this should not be so, if this change of nomenclature is accompanied by improved administration. Statistics on such a subject as the subsequent careers of pupils in these and other schools are not easily compared. They are, however, generally favourable with regard not only to the workhouse and district schools, but also with regard to the cottage-home system. An interesting variety on this plan has been introduced at Sheffield, which is known as the "Isolated or Scattered-Home System." In the cottage homes—those at least promoted by town boards of guardians—a teaching staff is still maintained, but the children from the "Scattered Homes" are sent to the local elementary schools. The homes are placed in different suburban parts of Sheffield. In 1896 the board had 9 homes, each containing accommodation for from 15 to 28 children. The homes are ordinary dwelling-houses, presided over by a salaried "foster-mother," and the arrangements are supposed to be assimilated to the conditions usual in a labourer's house. On this point it was remarked by a working-class guardian, that it is not usual to see 28 or even 15 children, all of one age, round the tea-table of the ordinary British working-man. The plan has the merit of being economical; and even if its "home-like" character is exaggerated, it may prove successful in other respects. The principal objection seems to be

that if boards of guardians are sometimes incompetent to supervise and manage one school, there is no guarantee that they will be more diligent and enlightened when they have half a dozen or more under their charge. The Sheffield board of guardians are the inventors of this experiment, and we are assured that their zeal has left nothing undone to secure its success. Happily, in a country where the expansion of industry is progressive, the natural aptitude of the young to adapt themselves to the conditions of life by which they are surrounded offers the best explanation of the fact that that *récidivisme*, *i.e.* the relapse into pauperism of children educated in Poor Law schools, is happily very rare.

The foregoing narrative sets out in bold outline the influences under which the educational arrangements of the Poor Law have been built up.[1] For the rest, it must suffice to describe the concrete result, as it at present obtains, of these contending policies. The general trend of opinion is well illustrated by the following extract from the Twenty-sixth Report of the Local Government Board, 1896–97 :

"We again note with satisfaction that the number of cases in which workhouse children are sent out to neighbouring public elementary schools continues to increase. Owing mainly to this fact, the total average daily number in union and district schools, which in 1882–83 was 35,335, is now (*i.e.* for the year ended Lady Day 1896) only 23,383." Of this number 15,503 are in schools in workhouses and separate schools other than district schools, and 7880 are in district schools.

The following summary shows in what manner the education of pauper children was provided for in the

[1] The reader who desires a fuller account of the subject is referred to Mr. Chance's *Children under the Poor Law*, 1897, to which volume the author desires to record his indebtedness.

several unions and parishes of England and Wales at Lady Day 1896 :—

Workhouse schools.	Detached or separate schools other than district schools.	District schools.	Schools of another union.	Public elementary schools.
84[1]	58[1]	30[1]	28[1]	449

On the 1st of January 1896 there were 2017 children boarded out beyond the union to which they were chargeable, and 4481 within the union. These children are under the superintendence of 53 committees, for the purpose of finding and superintending homes for orphans or deserted pauper children. These numbers show an increase on the preceding year.

On the 1st of January 1897 there were, in addition to the above educational arrangements, 223 schools holding the certificate of the Local Government Board, under the provisions of 25 & 26 Victoria, cap. 43, as fitted for the reception of such children as may be sent there by boards of guardians. It is under this arrangement that special schools have been provided for Roman Catholics.

It remains to add a few words on the trades and occupations into which these children are admitted on leaving the care of the Poor Law.

Out of a total of 862 boys, placed out from the metropolitan Poor Law schools in the year 1896, the following distribution was made :—

Baker	49	Mercantile Marine	102
Bands, Naval and Military	185	Shoemaker	50
Domestic service	43	Tailor	31
Hairdresser	26	Errand boy	18
Building trade	21	Other employments	68
Sent to Working-Boys' Homes	179		
Navy	90		862

[1] In 23 of these unions and parishes some of the children were sent out to elementary schools, the remainder being taught in a workhouse school or other Poor Law school.

Out of a total of 539 girls, the following was the distribution followed :—

Domestic service	532
Other occupations	7
	539
Girls	539
Boys	862
Total	1401

That for the most part the children so started in life remain independent, the following proof is offered in the Twenty-sixth Report of the Local Government Board, xcii. It appears from a special investigation that the total number of inmates of metropolitan workhouses and infirmaries who had been educated wholly or in part in metropolitan separate or district Poor Law schools during the preceding 30 years was 435 (229 males, 206 females). Of this number 131 males and 101 females had become chargeable through sickness or permanent mental or bodily infirmity, leaving only 98 males and 105 females who had become chargeable from other causes. As the total number of inmates of these institutions on the 30th May 1896 was 37,969, the proportion of those who had been in the Poor Law schools at any time during the preceding 30 years was only 1 in 87 ; or taking the number who were chargeable through some cause other than sickness or permanent mental or bodily infirmity, the proportion was only 1 in 187. The average number of children attending metropolitan separate or district Poor Law schools was, during the years ending at Lady Day 1875, 1885, and 1895,—8383, and 11,004, 11,747 respectively. The facts as shown by the return must, says the report, be regarded as satisfactory. Elaborate returns on the same subject, and establishing the same result, have been presented at different times by inspectors

of the Local Government Board. It is sufficient to quote one by Mr. Lockwood published in the Twenty-second Local Government Board Report, p. 76. In 54 workhouses he found 5550 adult inmates; out of this total he found 67 men who had formerly been in Poor Law schools, but of these 43 were chargeable as weak-minded, cripple, or suffering from defective eyesight. Women to the number of 101 had been in the pauper schools, but of these 48 were chargeable from the same unavoidable causes.

A return from Mr. Davy (Twenty-fourth Local Government Board Report, p. 25) gives a somewhat similar result. He says: "Among a workhouse population of over 11,000, there were 221 who had been brought up in workhouse schools, and of these all but 60 were relieved because they were weak-minded, crippled, or otherwise disabled."

"It is generally conceded," says Mr. Davy in a later report (Twenty-fifth of Local Government Board, p. 173), "that in some respects the least satisfactory of the existing methods of bringing up pauper children is the workhouse school. Such schools are now comparatively rare, whereas formerly they existed in all but the smallest unions. . . . Yet defective as many of them were, it is absolutely certain that they were so far successful that with few exceptions the children brought up in them have been able to earn their own living." On the whole, we are disposed to say that the educational arrangements made for the children under the Poor Law constitute the most satisfactory part of the whole system. The education given, in every sense of the term, is superior to that which would be given in an out-door pauper home; and if it cannot give children all the advantages of a happy home, it would not be fair on that account to deny its claim to be considered an administrative success.

CHAPTER XX

THE INCIDENCE OF THE RATE AND ITS EFFECT ON ADMINISTRATION

The Poor-rate only a part of the question of local taxation, more important formerly than now—The earliest rates—Their tendency to be absorbed in the Poor-rate—The rating of stock-in-trade—Principles of assessment—Exemption and compounding—Imperial subventions—Unrepresented rate-paying corporations—Present Poor Law electorate financially irresponsible—The history of imperial subventions—The equity of the present incidence of rates on one class of property—Mr. Disraeli in 1850—Imperial subventions a concession to his argument—Unsatisfactory result of local administration combined with national financial responsibility—The Metropolitan Common Poor Fund—The grant for lunatics—A forecast as to the future.

Apart from the question of its administration and distribution, the incidence and collection of the poor-rate raise problems of the greatest financial and economic importance. The whole subject of local taxation is closely connected with the poor-rate. Formerly the poor-rate was the principal rate, and under this title taxation was levied on the ratepayers for purposes which had nothing to do with the relief of the poor. This, to some extent, still continues, and the fact might justify a lengthened and detailed examination of the whole question of local taxation. On the other hand, the actual sums spent on, and in connection with, the relief of the poor, comparatively to other local expenditure, is not large, and, except in big towns, is not progressive. It is not therefore the growth of Poor Law expenditure which is making the question of local taxation and indebtedness one of the most pressing problems of practical politics. This consideration, as

well as the immensity of the subject, warn us that a full discussion is not possible in the digression which follows; but it is impossible to leave the subject unnoticed.

The earliest rates levied in England—the constables'-rate, the hundred-rate, the county-rate, and the church-rate, are of common law origin, and though of course they were later systematised under statutes, they derive their original authority from custom. The sewers'-rate is the earliest rate authorised by statute. It was first levied within the several districts included by the Commissions of Sewers, issued by virtue of 6 Henry VI. cap. 4 (1427).

The next in order of antiquity after the sewers'-rate, is the poor-rate. The Report on Local Taxation, issued by the Poor Law Commissioners in 1844, regards the 27 Henry VIII. cap. 25 (1536) as the first statutory authorisation of a poor-rate. Its levy was definitely systematised by the Elizabethan legislation. The poor-rate then rapidly became the principal local rate, and, like Aaron's rod, may be said to have swallowed all other rates.

The 43 Elizabeth, cap. 2 (1601) contains an enumeration of the persons liable, and of the properties in respect of which they were made liable. The Courts were soon called on to interpret the somewhat vague terms of the Act, and, in accordance with the judicial practice of the time, they laid down in general principles a body of rules, which, as the report cited declares, was "more legal and uniform than was or even is now the case in assessing most of the other rates."

Two consequences are said to have followed: (1) that while most of the other taxes were continually varying, no legislative change took place in the poor-rate for upwards of two centuries; (2) that all other rates, existing or afterwards created, were either directed to be paid out of the poor-rate or levied

upon the same persons and property as were liable to the poor-rate.

Subsequent legislation had at the date (1844) given additional facilities for the amendment of a rate, for its levy, and for the protection of the fund, by increasing the responsibility of the officers charged with its administration. For the rest, with one exception, important from a theoretical, but not from a practical point of view, the incidence of the rate remained unaltered. The exception alluded to is the Act which in 1840 abolished the rating of stock in trade, theoretically an important change, but devoid of practical interest, in so far as it merely abolished a law which had rarely been put into execution.

The Act of Elizabeth mentions "inhabitants" as persons liable to contribute, but indicates no property in respect of which they are to be assessed. The Courts therefore inferred that the intention of the legislature was to tax inhabitants for some other kinds of property than those expressly mentioned in connection with occupiers. "The Courts having laid down as a principle that the property to be rated must be local, visible, and profitable, it followed that rents, franchises, and easements, commons, ways, offices, pensions, advowsons, dignities, and other incorporeal hereditaments were exempt." Under this definition the profits of labour, talent, or personal application, and the revenue of investments out of the parish were not local, and personal property in the use of the inhabitant was not the source of profit. It remained that stock in trade was the only form of property in respect of which the inhabitant could be rated.

This argument notwithstanding, a century and a half after the passing of the Act of Elizabeth, Lord Mansfield resolutely controverted the liability of personality and stock in trade, insisting that it was impossible to carry out this interpretation of the Act. Lord

Kenyon, on the other hand, in 1795 treated the liability of stock in trade to contribute as established beyond controversy. The intelligent persons who had to carry out the law, however, sided with Lord Mansfield. The stock in trade of an "inhabitant," *i.e.* a person who habitually ate, drank, and slept in the parish, was rateable; but if he lived out of the parish his stock was not rateable. The property of one partner in a firm might be rated, while that of another went free. With the extension of commercial credit, the property in goods unpaid for seemed to offer insuperable difficulties. Generally assessment and collection of such a rate were found to be impossible.

"The practice of rating stock in trade," it is not, therefore, surprising to learn, "never prevailed in the greater part of England and Wales. It was, with comparatively few exceptions, confined to the old clothing district of the south and west of England. It gained ground just as the stock of the woolstaplers and clothiers increased, so as to make it an object with the farmers and other ratepayers, who still constituted a majority in their parishes, to bring so considerable a property within the rate. They succeeded by degrees, and there followed upon their success a more improvident practice in giving relief than had ever prevailed before in England. It was in this district (*i.e.* at Speenhamland, in the Newbury district) that relief by head-money had its origin." The report now cited is inclined to consider the decay of the clothing trade in this region and its migration to the north, as the result of this impolitic local interpretation of the Act.

The Parochial Assessments Act of 1836 attempted to introduce an equitable standard of rateable value, but, by intention or by oversight, it was entirely silent as to the rating of personal property. Accordingly, and in deference to the suggestion implied by this

omission, the practice of rating stock in trade was abandoned in some of those places where it had hitherto obtained. The Court of Queen's Bench was at length appealed to, and decided, in the case of Queen *v.* Lumsdaine (2 P. & D. 219), that stock in trade was still liable, and that a rate where a levy on stock in trade had been omitted, might be set aside. This decision meant a revolution in the existing practice. A temporary Act, the 3 & 4 Victoria, cap. 89, was hastily passed, abolishing the liability of personal property to the poor-rate. This has since been made permanent. The repeal did not extend to rates other than the poor-rate, and to rates paid directly out of the poor-rate, an anomaly which caused much doubt and uncertainty.

The following list of local taxes is given in the report now under consideration :—

I. Rates of Independent Districts

1. *Poor-Rate Series.*—Taxes on the basis of the poor-rate.

(1) Poor-rate.
(2) Workhouse building-rate.
(3) Survey and valuation-rate.
(4) Gaol fees'-rate.
(5) Constables'-rate.
(6) Highway-rate.
(7) Highway-rate—additional rate for purchase of land.
(8) Highway-rate—additional rate for law expenses.
(9) Lighting and watching-rate.
(10) Militia-rate.

2. *Miscellaneous Taxes.*—Each on an independent basis.

(11) Church-rate.
(12) Church-rate for new churches, repairs.

(13) Burial ground-rate.
(14) Sewers'-rate.
(15) General sewers'-tax.
(16) Drainage and enclosure-rate.

II. Rates of Aggregated Districts

3. *County Rate Series.*—Taxes imposed originally on aggregated districts by some general authority, but ultimately assessed on the basis of the poor-rate.

(17) County-rate.
(18) County-rate for lunatic asylums.
(19) County-rate for building shire halls.
(20) Burial of dead-rate.
(21) Hundred-rate.
(22) Police-rate.
(23) Borough-rate.
(24) Watch-rate in boroughs.

Many of these rates, which derived their origin from common law, had become obsolete, and the objects for which they were collected were provided for by rates collected under more modern statutes. The practice up to the date of the 12 George II. cap. 29 (1739), was to create new and distinct rates for such objects as from time to time were deemed necessary. Thus there were at this date at least seven distinct county rates—(1) For county bridges. (2) Building and repair of gaols. (3) Building and maintaining houses of correction for vagrants. (4) Passing and conveying of vagrants. (5) Relief of prisoners, called gaol money, not to exceed 6d. or 8d. weekly for each parish. (6) A separate rate for relief of poor prisoners (debtors). For this no parish was to pay more than 6d. weekly. (7) Relief of poor prisoners in the King's Bench and Marshalsea. For this each county was to send 20s. at least yearly to each prison. Some of these rates were infinitesimal in amount, yet they required special

machinery, and the inconvenience and expense was great.

The preamble of 12 George II. cap. 29 recites "that it is apparent that the manner and methods prescribed by the said several respective Acts for collecting some of the said rates are impracticable, the sums charged on each parish in the respective divisions being so small that they do not by any equal pound-rate amount to more than a fractional part of a farthing in the pound on the several persons thereby rateable; and if possible to have been rated, the expense of assessing and collecting the same would have amounted to more than the sum rated." The Act then authorised one general county-rate in the place of these several insignificant rates, and directed this general rate to be paid by each parish or township in one whole sum, to be taken out of the poor-rate or levied on the district in like manner as the poor-rate.

The above indicates the general policy that was henceforward pursued. It is thus described in the report of 1844:—

"In order to prevent the rapid multiplication of new rates, as new occasions were recognised for public expenditure, it has been the more usual custom, especially since the 12th year of George the Second's reign (1739), when the consolidation of the county taxes took place, to charge all new expenses upon some existing rate, instead of creating a new rate for the occasion. The greatest number of new charges have been imposed upon the poor-rate, and the next greatest number on the county-rate. . . . Another practice analogous with the above, which had its origin at the same period, and has been considerably extended since, is that before described of taking the county-rate out of the poor-rate, an example which has been followed subsequently in all the rates described in p. 446, as being made for aggregated districts. . . . The

number of rates to be separately levied on each individual ratepayer has by these two operations been greatly reduced, and the single rate for the relief of the poor, besides providing for all its own original and secondary purposes, also serves as the means of imposing and levying eight other distinct rates, one of which the county-rate itself consists of the consolidation of seven former taxes."

There still remained after this consolidation, some fifteen separate rates which might be levied on any one parish or township. "But this number," says the report, "is again reduced by various practices, which, though unlawful, are much more convenient than the lawful practice would be." Thus the gaol fees'-rate had never been collected separately, but had been paid by the intelligent persons, charged with the management of our local finance illegally but conveniently out of the county-rate. So also the two highway-rates for purchase of land and law expenses had been met by the general highway-rate. Lighting and watching, and the militia-rate had also been usually paid out of the poor-rate.

The collection of some other rates, *e.g.* the workhouse building-rate and the survey and valuation-rate, had been so inadequately provided for by the law that they had practically become obsolete, and the expenditure incurred had been paid out of the poor-rate.

The result of this consolidation had been to leave four principal rates with regard to which statistics were to be procured. The following will show their relative importance at this date (1844), and, when it is added that they are all assessed on the same property and persons as the poor-rate, and in most cases were actually collected parochially by the overseers of the poor, the great importance of the poor-rate becomes evident.

The following table is given in the above-quoted

report in illustration of the financial position at that date :—

Rate.	Highest Amount Returned.			Lowest Amount Returned.			Annual Value of Real Property 1841.	Rate in the £ by last Return.	
	Year.	Levied.	Expended.	Year.	Levied.	Expended.		Levy	Expenditure.
		£	£		£	£	£	s. d.	s. d.
Poor-rate .	1818	9,320,000	7,870,801	1842	6,552,890	5,481,053	..	2 1¼	1 9
County-rate .	1842	,,	1,230,718*	1842	,,	1,230,718*	62,540,030	..	0 5
Highway-rate	average 3 years 1811 1813	1,407,200‡	1,407,200†	1839	1,169,891‡	1,169,891	..	0 4½	0 4½
Church-rate .	1832	663,814	645,883	..	506,812	480,662	..	0 2	0 1¾
			Totals .		8,229,593	8,362,324	..	2 7½	2 8

* Amount paid to the County Treasurer out of the poor-rate.

† Includes estimated expenditure of statute labours.

‡ There is no return of the amount levied for highway-rate, but of course it is not less than the sum expended, which is the sum inserted here.

To this total must be added sums derived from municipal and corporate property, tolls, fees, etc., which the Commissioners estimate at £3,057,800, a total local expenditure of under 12 millions.

The next important question to be considered is what principle of assessment has been employed in levying these rates.

The earliest practice with regard to the poor-rate seems to have varied very widely. Regard seems at first to have been had principally to the *number* of acres occupied by each ratepayer. As the amount increased, more attention was paid to the *value* of each holding. The actual rent seems to have become the criterion previous to the reign of William the Third. The actual rack-rent was generally also the assessed value, but the assessed value was held liable to change, if, pending a tenancy, the value had changed. There were, however, obviously cases where this principle of rack-rent did not act equitably. In

mountain pastures no portion of the rent would be required for repairs. In arable and dairy farms, and still more in the better class of dwelling-house, and most of all in dwelling-houses occupied by the poorer classes, a considerable deduction for repairs, etc., would inevitably have to be made. The Courts accordingly, about 1770, seem to have countenanced a rough principle of valuation, all land being assessed at three-fourths of the yearly value, and all houses at one-half, and no allowance was made for the difference between the different qualities of houses and land.

This appears to have been the practice sanctioned by the Courts as late as 1830. In 1830 it was laid down in Rex *v.* Lower Mitton, that the rate should be laid on a particular property "according to the annual profit or value which the subject of occupation within the parish produces. This, in general, would be property estimated at the rent which a tenant would give, he paying the poor (and other) rates, and the expenses of repairs and the other annual expenses necessary for making the subject of occupation productive; and a further deduction should be allowed from that rent where the subject is of a perishable nature, towards the expense of renewing or reproducing it." The Parochial Assessment Act (6 & 7 Will. IV. c. 96) is a statutory declaration of the above principle, namely, that the *net rent is the standard of rateable value.* This principle, developed by the Courts and in detail amended by law, continues still to be the practice.

One of the principal difficulties in the way of equitable assessment lies in the universal tendency of the ratepayer to undervalue his rateable property.

In the early years of the new Poor Law, the parish contribution to the common fund of the union was not according to the rateable value, but in proportion to the average number of paupers chargeable to each

parish. As far as the Poor Law was concerned, it was therefore immaterial that a different standard of assessment was used in different parishes, provided that the standard was equitable as between the ratepayers of each parish. Inasmuch, however, as the contribution of the parishes to the county-rate was based on the rateable value of the parish, there arose a general tendency to undervalue. "About the middle of last century," we are told (Report, 1844, p. 50), "the value in the rate was usually admitted to be but a half of the true value, but was in reality even much less than that." But as all parishes systematically undervalued, "none of them succeeded to the full extent of the factitious reduction of the value." An Act of 1815 (the 55 Geo. III. cap. 51) expressly prescribed the poor-rate valuation as the basis of the county assessment. This provision, which had hitherto been merely permissive, gave an additional motive for systematic undervaluation.

The Parochial Assessment Act of 1836 was an attempt to remedy some of these anomalies. It was, however, only permissive, and a new valuation under it could only be obtained where the overseers of the parish or the guardians of the union themselves applied for it. Obviously it was contrary to the interests of an undervalued parish to have such revaluation, and the Act is said to have been a failure. At the date of the report only a very small proportion (*i.e.* 4444 parishes out of 15,635) had been revalued. The situation, therefore, in a great majority of the parishes remained in a very anomalous condition. For instance, according to a return made to parliament in 1834, in 16 counties "the principle of the existing scale was unknown to the clerks of the peace," but, such as it was, it had been followed for nearly 100 years. In 41 counties or divisions of counties a principle of some kind was reported to be in existence, but

in most cases no revaluation has been made for 20 or 30 years.

Previous to the Act of 1834, the overseers made a rate on the valuation list, such as it was, and this had to be allowed by two magistrates; but the allowance of the magistrates seems to have been generally a purely ministerial action. The Assessment Act of 1836 provided that valuation in future should be based on the net annual value, but, as above stated, its provisions for a new valuation were merely permissive.

The next step was taken by 8 & 9 Victoria, cap. 3 (1845). By this Act the justices were empowered to form assessment committees to assess the collective property of the individual parishes for the purposes of the county-rate. This remedied the most glaring defects of the situation as it affected the county-rate, but it left untouched the question of Poor Law assessment as between parishes in the same union, which still might use totally different principles of assessment.

Various attempts to legislate were made, but nothing was done till the question became pressing by reason of the changes introduced by the Act of 1861 (24 & 25 Vict. cap. 55). By this the contribution of parishes to the common fund of the union was made proportionate to the rateable value of each parish, and an equitable assessment became imperative. Next year (1862) the 25 & 26 Victoria, cap. 103 (the Union Assessment Committee Act, 1862), was passed. The guardians are thereby required to elect an assessment committee. The overseers of the several parishes are ordered to prepare valuation lists recognising the principle that the net value is the rateable value. These lists are submitted to the committee, due measures for publicity and opportunity for appeal are inserted, and this valuation list, as finally settled by the committee, becomes the basis for levying rates.

The Metropolitan Poor Act, 1867, which, for certain purposes, made the unions of the metropolis contributories to a common poor fund, necessitated a uniform valuation for the metropolis. With this object, the Valuation (Metropolis) Act, 1869 (the 32 & 33 Victoria, cap. 67) was passed.

The assessment committees thereby authorised are committees of the guardians or local authorities, and the common interests of the larger metropolitan rateable area are protected by giving the representatives of the larger areas the right of objection and appeal.

This is the nearest approach to uniformity which has yet been reached. For the rest, there are now three distinct valuations. The valuation for the property-tax, payable to the imperial Exchequer—for this the Surveyor of Taxes is responsible; then there is the valuation for the county-rate, for which the County Council is responsible; and, lastly, there is the poor-rate valuation, carried out by the assessment committee of the board of guardians. These valuations are in theory distinct, but as a matter of practice they tend to be identical, and it seems to be the unanimous opinion that one valuation should serve for every purpose. So much may be premised with regard to the position of the poor-rate in the general scheme of local taxation.

In earlier times, when local rates were comparatively light, and when the poor-rate was obviously connected with the earlier privileges and responsibilities of the lord of the manor, there was an admitted propriety in levying the poor-rate on real estate. The 43 Elizabeth, cap. 2, sought to enlarge this liability, but with limited success. The rating of personalty remained, as we have seen, more or less a dead letter.

The rating of the occupier prescribed by that statute is of necessity attended with difficulty in the

case of such persons as the small holder and the weekly tenant. To meet the case of the poverty of the occupier, the 54 George III. cap. 170, enables two justices, on proof of poverty and with consent of the overseers, to direct that a poor person may be excused from the payment of any local tax. This Act is still unrepealed, and is still resorted to in some localities. In London the Act is administered by the different justices with much variety and eccentricity of policy. Landlords whose tenants are thus excused are not liable to pay the rate. In 1844 exemptions seem to have been granted wholesale on the application of the overseers, no proof or sworn statement of inability to pay was required from the applicants. The pretext used in justification was that it saved trouble. One fee paid to the justice's clerk was allowed to cover the exemption of any number. Wholesale applications, therefore, were made, and the fees paid by the guardians. In other places, the overseers of their own authority left out the names of persons from whom it was troublesome to collect the rate. Owners of this class of property got to understand the system, and the amount of these illegal exemptions naturally grew.

By the 59 George III. cap. 12, sec. 19, the inhabitants of a parish, met in vestry, might direct that owners of houses and apartments, where the rent does not exceed £20 nor fall below £6, should be rated instead of the occupiers. The effect of this, as might have been expected, was that property under £6 was frequently wholly omitted from the rate list. "Compounding" legislation extended and amended this Act, and the situation is now governed by the Poor-Rate Assessment and Collection Act, 1869 (32 & 33 Vict. c. 41). By this, owners of small tenements may agree to pay the rate, if the rateable value of the hereditament does not exceed—in London, £20, £13 in

Liverpool, £10 in Manchester or Birmingham, and £8 if elsewhere. For this service to the rate-collector the owner may be allowed a commission of not more than 25 per cent. By the 4th section of the same Act, the vestry of any parish may order the owner of the above class of hereditament to be rated instead of the occupier, and shall allow commission at 15 per cent. If the owner will undertake to pay in respect of his property, whether occupied or vacant, a further abatement of not exceeding 15 per cent. shall be payable to the owner. Such payment of rate by the owner is constructively a payment by the occupier, who thereby is to be deemed duly rated for any qualification or franchise.

The situation thus created is a very serious one; the compound householder has often a preponderating voice in the electorate, but he pays no rates direct to the rate-collector, and is absolutely indifferent to their rise and fall. An electorate so largely irresponsible is undoubtedly a serious evil, which it is not easy to remove.

In large towns, as far as the author is aware, it has been found impossible for landlords to subdivide the rate and to charge the proportionate part to each tenant.[1] This plan, however, has been followed

[1] With regard to the question of the ultimate incidence of a rise in rates, the best opinion seems to be that this falls on the owner at the end of existing contracts. Sometimes the owner can recoup himself by exacting a higher rent; but if he does so, it is not because of the extra rate, but because the relation of the demand and supply of houses warrants it. If he cannot so recoup himself, he does fewer repairs, builds a worse house, or ceases to build altogether, till rents rise sufficiently to give him the normal return for his investment. The most equitable and advantageous plan is that described in the text. The landlord pays the rate, but charges to each tenant his proportionate part. In the long-run the tenant suffers for an increase of rate, either by having an increased rent to pay or receiving an inferior house; and it is better that his interest in the rate should not be concealed from him, but that by an enforcement of direct payment he should understand exactly how he is affected by the financial policy of the local authority.

largely in the country, where the population is more stationary; and if the old maxim, that taxation and representation should go together, is of any value, the experiment is much to be commended.

One other anomaly—the converse of the compounding householder anomaly—is that while railways, canals, and similar property, contribute enormous sums to the local exchequers, they have absolutely no representation. The same also may be said in respect of the imperial Government, which contributes largely to local expenditure, but has no representation. The Local Government Board represents the principle of central control, which was considered necessary long before the system of grants-in-aid. No additional authority has been given to it as representative of the taxpayer.

The situation is still further complicated by the Agricultural Rates Act, 1896, by which for a period of five years the occupier of agricultural land is excused one-half of the amount of certain rates, including the poor-rate. The deficiency is supplied by grants to the local authority from the imperial Exchequer.

The result of all this financial juggling is to render entirely nugatory the argument that local expenditure is controlled by the rate-paying interest.

In the first place, as we shall presently show, one-fourth of the cost of maintaining the poor is contributed from imperial taxation. Of the balance that remains, a large portion is paid by corporations, railway companies, docks, canals, and limited liability companies, and these have no representation whatsoever. The proportion contributed from railway companies alone is estimated at one-thirteenth; and, as a rule, the local expenditure confers no benefit on the railway. While one-thirteenth is the total share borne by the railway companies, in many parishes the proportion is of course much higher. Thus at Didcot

the rateable value of the parish is £8856, and the valuation of the Great Western Railway's property, situate within the parish, is £7103. A scheme of drainage is proposed, to cost £6700. The Great Western Railway, however, had already dealt with its own sewage, and would derive absolutely no benefit from the proposal, yet it has not even a voice in the election of the body that is to spend its money. Similar instances might be multiplied (see Royal Commission on Local Taxation, vol. i. part ii. p. 368).

With regard to the remainder of the sums raised for local purposes, the preponderating number of voters are only constructively ratepayers. They pay no rates direct, and consequently take no interest in economical administration. Then in the rural districts, in respect of agricultural land, only one-half of this remaining fraction of liability is exacted. The representation of the ratepayer is thus reduced to a farce. It may be that "one man one vote" is a better maxim than the older one, which affirms that representation and taxation should go together, but if so, the pretence that the vigilance of the ratepayer is still an active force should be abandoned. A local authority is not now confined to spending the money of its own constituents—it is largely spending the money of other people.

So far we have considered only the various expedients (1) by which poor persons can be relieved from the payment of the rate, and (2) by which the duties of the rate-collector can be lightened. Something now must be said of a larger question, namely, the policy which charges local expenditure entirely on one class of property. The controversy involved is of old standing, but it is not, as far as at present appears, within measureable distance of solution. The following recital will, it is hoped, be sufficient for our present purpose.

If we must assume that legislation for the maintenance of the enfranchised serf was necessary, there was, we have already said, an obvious propriety in charging his maintenance to the land whereon he had only recently been *adscript*. After the establishment of the new Poor Law, Poor Law expenditure was not confined to providing a bare maintenance. By the use of the test, relief on a more liberal scale was rendered possible. Public opinion, while on the whole it supported the Commissioners in restrictive and dispauperising policy, was eager to adopt humanitarian measures in Poor Law education and medical relief, and this meant a high rate of expenditure. Further, the old territorial system was revolutionised by the repeal of the corn laws. The same year (1846) which saw the repeal of the corn laws, saw also the beginning (as far as Poor Law expenditure is concerned) of grants from the imperial Exchequer in aid of local administration.

Grants in this year were voted to induce the guardians to appoint competent teachers, and to improve the system of medical relief. At the same time, the salaries of Poor Law auditors were also made a State charge. This innovation marks the desire of the legislature to induce the guardians to have the educational, medical, and auditorial duties connected with their work efficiently performed. It also marks the admission made by Sir R. Peel, that with the repeal of the corn laws, some alteration of the incidence of local taxation must necessarily follow. It is with this last aspect of the question that we are now concerned.

The principle thus admitted does not seem to have made rapid progress till the period between Mr. Goschen's Report on Local Taxation, 1871, and the corresponding report of Mr., now Sir, H. Fowler in 1893.

In 1842–43 the contributions of the State to local expenditure consisted of a contribution in lieu of rates on Government property, a repayment to counties and boroughs in respect of criminal prosecutions, a sum paid in aid of the Metropolitan police, and a small item of £90 for the repair of Berwick bridge—the whole amounting to £244,402. In 1852–53 the sum of £118,000 represented the contribution for Poor Law purposes, and the whole contribution to local purposes was £568,313. In 1872–73 the Poor Law receipt from this source had risen to £184,000, the only new item being the salaries of public vaccinators, granted in accordance with the provision of 30 & 31 Victoria, cap. 84 (1867). Other additions unconnected with the relief of the poor, *e.g.* certain further charges incurred in respect of criminal prosecutions, maintenance of children in reformatories and industrial schools, brought the total to £1,146,092. In 1874 a grant of 4s. per head was made by Sir Stafford Northcote for each pauper lunatic maintained by the local authorities. This charge in 1885–86 amounted to £47,834. The whole grant paid in relief of Poor Law expenditure in this year had now risen to about £791,000.

By the 40 & 41 Victoria, cap. 21, the cost of the prisons had been made an imperial charge, a transfer which effected a relief of about £400,000 to the local exchequers. The total expenditure in aid of local taxation for this year (1885–86) was in this way raised to £3,388,999.

By the Local Government Act of 1888, supplemented by a further Act of 1890, a majority of these grants-in-aid was abolished, and in substitution the proceeds of certain specified taxes (*i.e.* additional beer and spirit duties—(*a*) customs and (*b*) excise, excise licences, share of probate duty, now the estate duty), were set aside for local purposes. The fund provided by these taxes is divided between the three kingdoms

in proportion to the estimated contributions of each, *i.e.* 80 per cent. to England and Wales, 11 per cent. to Scotland, and 9 per cent. to Ireland.

In England the sum falling due under the new arrangement, after certain specific charges were paid, was allocated to the different counties in proportion to the grants-in-aid which had formerly been paid. Under the new arrangement, the total relief paid to local authorities from imperial sources was in 1891–92, £7,414,667, of which £987,807 was in the form of grants-in-aid, and £6,426,860 came from the assigned revenues paid to the local taxation accounts.

In 1895–96 the total out of the exchequer revenue was £1,057,148. The total out of local taxation revenue was £6,257,021. In all, £7,314,169.

The above figures relate to local taxation generally, and are taken from the memorandum prepared by Sir E. W. Hamilton for the Royal Commission on Local Taxation.

The following is based on Appendix F. of the Twenty-sixth Report of the board, and shows in more detail the share which the poor-rate receives from imperial sources.

The total amount of poor-rates raised for the year ended Lady Day, 1896, was £21,236,297. Of this sum, the following amount, £11,892,199, was paid on precept to other local authorities, leaving something over 10 millions (£10,344,098) as the sum raised for Poor Law purposes proper.

In addition to the sum of 21 millions raised by rate, the Government grant amounted to £2,032,800. A few unimportant miscellaneous items are added, and bring the total sum raised for Poor Law (nominal) purposes to £23,800,205. The expenditure for Poor Law purposes (proper) is given as £10,215,974, and the payments for other purposes, £12,359,493. The

position is otherwise presented in the same report as follows :—

Poor Law expenses proper	£10,215,974
Less grants-in-aid	2,578,747
Net expenses borne by the poor-rate . .	£7,637,227

Roughly, one-quarter of the expense of maintaining the poor is contributed by the State.

Such, then, is the concession which has been made to the complaint of the ratepayer, but, as we all know, he is by no means satisfied.

The following brief retrospect, as to the political aspects of the question, will, it is hoped, make clearer the controversy which is still at issue.

The grievance is of old standing, but it first became acute when the landed interest believed that it was or would be permanently injured by the repeal of the corn laws. The following is cited as illustrative of the attitude taken up by that party.

On 19th February 1850 Mr. Disraeli rose to draw attention to the agricultural distress. The territorial system, he said, had been swept away, and with it the parochial system, but the burdens were left. The relief of the poor was a social duty, and ought to be imposed on all forms of property. He proposed, therefore, that the establishment charges of the Poor Law should be thrown on the State. These were new, and not inherited burdens. Charges not connected with the relief of the poor might more safely be transferred from the local to the imperial Exchequer. The relief of the casual poor also should be a national charge. On behalf of the Whig Government, Sir G. Grey declined to accept these proposals. The distress, he asserted was not among the poorer class, as had been argued by Mr. Disraeli, but among the owners and occupiers. Sir James Graham, with the other Peelites, supported the Government, remarking that the proposed policy

would involve that impracticable thing—a national poor-rate. Sir Robert Peel himself doubted whether the distress was permanent; at all events, it was not sufficiently pronounced to warrant any reactionary step. On the contrary, he argued in effect that the cure was more free trade. He condemned the law of settlement as a gross and unjust restriction on the freedom of labour, and urged that the duty on bricks should be abolished. These were obvious corollaries of the principles of free trade. Mr. Gladstone supported Mr. Disraeli's motion. The subject has been continuously discussed, but it is doubtful if anything has been added to the arguments above mentioned. Since 1850 local taxation has grown by leaps and bounds. The grievance stated by Mr. Disraeli, and admitted by Mr. Gladstone, has been remedied at the expense, it is to be feared, of responsible and economical administration by the grants from imperial sources noticed above, but, as the champions of the ratepayers allege, not at all commensurately with the increase of burden.

The question is a very difficult one, but it may be doubted, as Sir G. Grey doubted, whether there is any special equity in shifting a burden from the ratepayer to the taxpayer. The whole question as to the ability of the various contributors to the national expenditure (whether local or imperial) is undecided. The objection to a national rate, and even to a partially national rate (our present system is, as we have seen, national to the extent of one-quarter), has not been overcome—and cannot be overcome while the administration remains purely local. Sir R. Peel's advice, that to pursue the policy of free trade as the best remedy for depression, is as true to-day as it was when he uttered it; but, as has been frequently and unanswerably pointed out, a country cannot enjoy the benefits of free trade which is increasing its taxation—local and imperial—by leaps and bounds. If, for instance, public

opinion decides that a profuse poor law and educational policy is desirable, and that the expenditure required for this purpose must be charged, in towns at all events almost exclusively on houses, it stands to reason that while the working-class may perhaps gain thereby a good system of education, they will very certainly have to be content with a deteriorated supply of houses. The tax on bricks has been repealed, but this is of course an infinitesimal relief relatively to the whole burden imposed on the houseroom required by the poorer classes. To put it plainly, it does not pay the dealer in houses to bring a good house on the market when about one-fourth of its annual value is appropriated for the purposes of taxation. The revenue, however, is alleged to be necessary, and, in accordance with the policy now so popular, Government has no scruple in urging on expenditure alleged to be constructive in one direction, at a cost which is certainly destructive of the quality and quantity of the houseroom provided for the accommodation of the poorer classes.

The fear of what the Conservative party might do at this date, if it allowed itself to be guided by Mr. Disraeli, is curiously illustrated by a reported conversation between Mr. Nassau Senior and Sir Frankland Lewis and his son, Mr. G. Cornewall Lewis, which took place at Harpton in August 1852 (see *Many Memoirs of Many People*, Mr. Simpson, 1898, p. 140). Sir T. Frankland Lewis, now somewhat withdrawn from politics, was apprehensive that Mr. Disraeli might fulfil some of his pledges. Mr. Disraeli had promised to enrich the farmers by a new adjustment of taxation, and what new adjustment could he make except by throwing local charges on the national income. Would he put the poor-rate on the consolidated fund? Mr. George Lewis, who, as a member of the retiring Government, was better informed of the course of political intrigue, had no apprehensions of the kind. The

country gentlemen, he said, would not bear to have parish management confided to Government officials, and a national fund must be administered by national agents. At present, he further pointed out, the Scots Highland poor and the Irish poor received poor relief on the low scale proportionate to the small means of the ratepayers and the small expectations of the recipients, but if a national fund was instituted this could not last. What Irish patriot would endure that his countrymen should have potatoes and water with 11d. per week out-door relief, when the English pauper was having white bread and beer and half a crown out-door relief? Not even Mr. Disraeli would be equal to overcoming these difficulties. A few years later, February 1855, we find Mr. Charles Austin, as recorded by Mr. Senior, dreading the return to power of a Derby Ministry as a result of the defection of the Peelites from the coalition ministry, "not," as he candidly remarks, "because they are particularly dishonest—all statesmen are dishonest—but from their gross and hopeless ignorance." The period from 1832–70 was influenced by the scientific theory of free exchange. Its fruits were the reform of the Poor Law, the repeal of the Combination Acts, and the abolition of a protective tariff and taxes on food. It has often been remarked that this is the one period of our history during which attempt was in some slight degree made to apply the rules of political science to the business of government. Even in that period there were interludes when the destinies of the country were left in the hands of persons who, as Lord Derby has said of himself, were born before the scientific era. Mr. Disraeli's brilliant career is marked by a resolute scepticism in the validity of political science. Under the guidance of Sir Robert Peel, and in spite of the opposition of the party of which he was the leader, the country was induced to recognise the weight of argu-

ment in favour of free trade. With the fall of the Peel Ministry, the Conservative party declined at once to the level of Mr. Disraeli. From 1846 till his death in 1850, Sir Robert Peel, the greatest minister of his generation, was without a party in parliament. To Mr. Austin, and to others, the attitude of the Conservative party seemed one of "gross and hopeless ignorance."

Circumstances, however, proved too strong; a return to protection and the plausible advantages of the parochial system, has happily been impossible. The financial grievance, however, has not been set at rest, but has rather been aggravated by subsequent legislation.

Mr. Disraeli's policy has been followed to the extent of placing about one-fourth of the charge of maintaining the poor on the Imperial Exchequer, but local administration still continues. The result cannot be considered altogether satisfactory. The main burden still falls, more especially in towns, on a prime necessity of life, namely, house room, and in the country on the raw material of agricultural industry. The incidence of the tax in every direction is such that in the interest of the poor it ought to be most economically administered. The influence of imperial subsidies has been precisely the contrary.

We have noticed (p. 355) the argument that the substitution of union for parish chargeability had, to a certain extent, relaxed the financial vigilance of ratepayers and their representatives, the guardians. This result of an enlarged area of rateability has made itself still more apparent in connection with the administration of the Metropolitan Common Poor Fund.

The object of this fund was presumably twofold—an equalisation of rates over London; and, secondly, an improved administration on the lines laid down by the report of 1834, namely, an increased use of institutional

relief as against outdoor or domiciliary relief. For this purpose an improvement of the indoor establishments was considered necessary.

The following charges accordingly were made payable out of the Common Poor Fund to the relief of the local unions:—Maintenance of lunatics in asylums, fever and smallpox patients in special hospitals, pauper children in separate schools and boarded-out orphan and deserted children, casual paupers, expenses of medical relief, salaries and rations of officers, and an allowance of 5d. per diem for adult indoor paupers. Practically the whole current expense of institutional administration, and all but a small fraction of the institutional relief, falls on the common fund. Outdoor relief only is left entirely on the local fund.[1]

The general effect of these financial arrangements might have been expected to be that guardians would incline towards institutional methods of relief, of which practically the whole charge was taken off the local rate. The spending part of the policy thus recommended was easily learnt. A great impetus was given to increasing the costliness of the indoor establishments. Separate schools, infirmaries, and better workhouse accommodation have been provided, and a large and adequately paid staff of officials, nurses, etc., has been engaged, with the usual arrangements for increments of salary and retiring allowances. So far, the purpose of these financial arrangements has been fulfilled, and more than fulfilled.

An expensive series of institutions was not, of course, the whole policy pressed on the local adminis-

[1] By the 43rd section of the Local Government Act of 1888 the London County Council pays to the several unions from the Exchequer Contribution Account an additional sum equivalent to 4d. per diem for each indoor-pauper; but the number of such paupers is not the actual number, but the average number for the last five years previous to the passing of the Act. This was done with a view of preventing the subsidy from influencing current administration.

tration. The object and justification of such institutions is that they shall be used as a test of destitution. Adequate, humane, and appropriate forms of relief were to be placed at the disposal of all, guarded only by the discipline necessary to make the lot of the pauper on the whole less eligible than that of the independent. As has already been explained, this policy has not been adopted, except in three or four unions. In those unions, moreover, the policy of using their institutions as a test has not been adopted with any reference to financial reasons, but because, rightly or wrongly, the majority of the guardians have thought this course best in the interests of the poor. If, as is sometimes alleged, the strict policy has been created by these bribes to administration, the effect would have been much more general. Not a single instance can be adduced in which an indoor relief policy has been adopted purely and simply through the financial motives provided by the Common Poor Fund. The influence of the Common Poor Fund on relief administration has really been in an opposite direction to that which was intended. A lavish administration of outdoor relief has been accompanied by a lavish administration of indoor relief, and by such a relaxation of discipline, that the number of paupers who prefer indoor relief is, in many unions, greater than that of those who prefer outdoor relief. An examination of the admission lists in the unions of the poorer parts of London will confirm this view. Even in unions where outdoor relief is notoriously to be had for the asking, it will be found that a large proportion of the indoor paupers have never applied for it, but have preferred to go straight to the shelter of the house.

The real result of these common fund subventions is, that a costly and admirable instrument of dispauperisation has been put into the hands of bodies who do not or will not understand its use. Far from being

used as a means of dispauperisation, the London indoor establishments, as they are generally managed, have helped to create the more or less homeless class known as the "ins and outs." The result has been waste in every direction—a costly machine wasted because it is not in the hands of persons who understand its use, while its misapplication produces a new brood of pauperism. All this tends to increase the drain upon the Common Poor Fund, but at the same time it leaves the local rate, more unprotected than ever, a prey to the demands of a lavish out-relief policy. To speak metaphorically, the candle of extravagant expense has been lighted at both ends.

Much of this increased expenditure on indoor establishments is admittedly legitimate; it is only illegitimate when it is allowed to become an encouragement to pauperism. The following figures show the advance of cost, and the comparison with Lancashire, a county which has followed the same policy of improved indoor establishments, *without a Common Poor Fund*, will suggest that the principle of that fund has not resulted in economy.

The total relief to the poor in London was—

In 1861—£832,155,	equal to	£5, 11s. 2d.	per head of	population.
„ 1871—£1,646,103,	„	£10, 1s. 3d.	„	„
„ 1881—£1,907,155,	„	£9, 11s. 9d.	„	„
„ 1891—£2,435,164,	„	£11, 6s. 7d.	„	„

The cost of indoor maintenance has risen from £275,422 in 1861 to £728,158 in 1891, while the decrease of the cost of outdoor relief has been inconsiderable—£208,674 in 1861 to £184,118 in 1891. Salaries have risen from £93,460 in 1861 to £508,178 in 1891.

The total cost of relief in Lancashire has been—

In 1861—£429,616,	equal to	£3, 5s. 8d.	per head of	population.
„ 1871—£683,625,	„	£4, 9s. 5d.	„	„
„ 1881—£782,766,	„	£4, 5s. 8d.	„	„
„ 1891—£811,204,	„	£4, 1s. 1d.	„	„

The expenditure of Lancashire has not been doubled in the thirty years under review, while the London expenditure was doubled in the first decade, and has continued to grow at a much more rapid pace, under the influences, it is suggested, of the Common Poor Fund. Such is the not surprising result of allowing local elected administrators to draw on a rate for which they are not directly responsible to their constituents.

Included in the expenditure of the metropolitan district is the expenditure of the Metropolitan Asylums Board. This has grown from £149,717 in 1873–74 to £639,540 in 1896–97, but much of it is for sanitary rather than Poor Law purposes. Smallpox and fever hospitals are not required on the same large scale in the provinces, and their maintenance is not so extensively thrown on the poor-rate. In the fourth and fifth column of the annexed table the cost of lunatics is deducted, but even with all these allowances it still appears clear that the metropolitan scale of expenditure is very high.

EXPENDITURE ON RELIEF TO THE POOR, AND PURPOSES CONNECTED THEREWITH.

Area and Period.	Total Expenditure.	Rate per head of Population.	Total Expenditure, less Maintenance of Lunatics in Asylums, Registered Hospitals, and Licensed Houses.	Rate per head of Population.
	£	s. d.	£	s. d.
Metropolis . . 1873–74	1,633,182	9 $8\frac{1}{4}$	1,470,250	8 $8\frac{1}{2}$
„ . . 1896–97	3,108,393	14 $0\frac{3}{4}$	2,729,500	12 4
Rest of England and Wales . . 1873–74	6,031,775	6 $0\frac{1}{4}$	5,364,253	5 $4\frac{1}{4}$
„ . . 1896–97	7,323,796	5 $6\frac{3}{4}$	6,060,184	4 $7\frac{1}{4}$

Next, as regards the subventions from the imperial taxes to the local exchequers, the proceeds of the taxes specially set aside for the relief of local taxation are

now paid over to the several counties and county boroughs, and are by them distributed to the minor local authorities. The method on which this distribution is made recognises the payment of a specific sum (4s.) for each pauper lunatic maintained in an asylum by the local authority. This sum of 4s. was supposed to represent the difference between the bare maintenance cost of paupers in the workhouse and lunatics in the asylums, and was intended to remove from the guardians any temptation to study economy by unproperly retaining lunatics in workhouses. The cost of maintenance has, however, been much altered since the contribution was originally fixed, and 4s. often represents much more than the difference. Now, there is a financial advantage to be gained by the locality, if it can get its feeble, weak-minded, and senile paupers classed as lunatics. The result, it is alleged, has been an otherwise unaccountable increase in lunacy.

Dr. Campbell, superintendent of the Cumberland and Westmoreland Asylum, read a paper at the Northern District Poor Law Conference in 1894, "On the Operation of the 4s. Grant for Pauper Lunatics," in which he argues that the grant has been the cause of considerable abuse. He quotes Dr. Maudesley (*Journal of Mental Science*, April 1877), a well-known expert on lunacy, as remarking in 1877: "The effect has been to empty the workhouses of all the cases which it was possible by any device to send to the asylum, and to remove the last vestige of desire which there might be to retain a pauper lunatic under any sort of care outside an asylum. The Government has in effect said to the parish officials, 'We will pay you a premium of 4s. a head on every pauper whom you can by hook or by crook make out to be a lunatic and send into the asylum.'" It is, of course, desirable that considerations of expense should not prevent a poor man from being treated as a lunatic, if that is the

right course to pursue, but most people will agree with Dr. Campbell that it is a distinct hardship to send an old man away to an asylum when he is merely failing through the ordinary decay of age, and cannot possibly be cured. "Ordinary feeding, nursing, and attention are what he requires, and why should he not get this in the workhouse of his district if his relatives will not take care of him?" This particular method of allocating the imperial subvention has resulted apparently in action which is not to the best interest of the poor, and also in an increased and unnecessary burden on the public, merely because one local authority has been encouraged to relieve itself at the expense of another body. More than this, no guardians will now build for imbeciles, so that the whole increment of lunacy, harmless and otherwise, has to be provided for in the much more expensive form of asylum buildings.

With a view of preventing the distribution of the county contribution from influencing current administration, the larger part of the grant is based, in the provinces, on the expenditure for salaries during the last year before the passing of the Act; and in London, on the average number of indoor paupers during five years previous to the passing of the Act of 1888. In both cases the basis laid down was to continue till parliament should otherwise direct; and it has been generally understood that revision would be, from time to time, required owing to changes of population and other circumstances. The proposal to revise the London County grant to the different metropolitan unions has recently been made. The grant takes the form of an allowance of 4d. per diem for each indoor pauper, calculated on the average of the five years preceding the Act of 1888. Since the years 1884–88, the quinquennium on which the average is based, the number of paupers in well-managed unions has, as a

rule, decreased. Thus in St. George-in-the-East, the grant based on the years previous to 1888 brought in a much larger sum than if it had been based on the current indoor pauperism. The guardians, in fact, received an allowance for an average of about 1500, while their current average had dropped to about 1000. If the basis of the grant is revised and calculated on the five years just passed, the St. George's ratepayers, who perhaps have gained an undue advantage in the past, will seem to be unduly penalised for the successful administration of the board. The loss to the ratepayers brought about by the comparative dispauperisation of the parish will be represented by an additional local rate of 3½d. in the £. The advantage under the suggested revision will be given to those unions where indoor pauperism has increased, a result which in many cases has been brought about by bad management, and nothing else, —by fostering the pauper habit through a profuse system of outdoor relief.

It is argued, therefore, that whether the grant be paid to encourage expenditure of a special character, or based on the past transactions of the subsidised authority, the result has not been, and probably cannot be, altogether satisfactory. The report of the Local Government Board for 1895–96 points out that notwithstanding these grants made under sections 26 and 43 of the Local Government Act of 1888, the net expenditure borne by the rates was larger than in any preceding year.

It would appear, then, that local administration by an elected executive, combined with a certain measure of central chargeability, is not working well. If, therefore, the burden of the payer of poor-rate is to be further relieved at the cost of the taxpayer, this problem is narrowed down to the question: Is it possible to transfer the administrative as well as the financial re-

sponsibility to a central authority? Our consideration of the claim put forward by the ratepayer has thus led us round within sight of the plan which, on administrative grounds, was originally recommended by Sir E. Chadwick. A limited measure of centralisation was in 1834 introduced to curb the mismanagement of the local executive. Its partial success is generally admitted. For administrative as well as for financial reasons, it may be that a further advance is now desirable.

It is no disparagement to representative institutions to say that there are some matters of public business which cannot be conveniently discussed within hearing of the hustings. Popular government has recognised this in regard to currency, prisons, military discipline, the administration of justice, the appointment of the judicial bench, the management of the police, and it may, some day, come to the conclusion that the question of Poor Law administration should be relegated to the same sphere. The work of a guardian is, or ought to be, of a judicial character. It requires also expert and appropriate knowledge just as much as the work of the physician or the surgeon. Boards of guardians are now frequently subjected to pressure, from which they ought to be protected. It has become the fashion, in some populous unions, for certain guardians to introduce into the galleries of their board-room a partisan mob. At other times, deputations from bodies of an avowedly revolutionary character are invited to discuss the constitution of things before the assembled board. The meetings of the boards are frequently at night, and unpopular guardians on their way to their homes have to run the gauntlet of an angry mob. Guardians, many of whom are old men and women, should not be subjected to this form of argument, which really serves no practical purpose but that of intimidation. Many of these difficulties would be removed by a more centralised

system. The principal officers of the unions, though appointed by the guardians, are, in a sense, the servants of the Local Government Board; and a considerable improvement would probably result if the appointment of the principal officers, the clerks, and the masters and the relieving officers, was intrusted entirely to the central authority, following the precedent of the appointment of the auditors. The proposal to hand over the Poor Law establishments now managed by numerous boards of guardians to some more centralised authority, is not therefore entirely revolutionary. The best-managed unions are, as a rule, those where capable officials have been secured, and where the work of the board has been confined to supervision, and in the main to acquiescence in the acts of the permanent staff. The inspection of the Local Government Board would also be much facilitated if it was dealing with its own servants direct. Now it has to communicate with a fluctuating body of guardians, some of whom are always new to their work, and many of them constitutionally unfit for the discharge of judicial duties.

The real difficulty in such proposals is the administration of out-door relief. Obviously a body of salaried officials could not administer out-door relief. If they were to attempt it, it could only be on definite and literally construed rules. Rules of such a character would amount to conferring a statutory right to out-door relief on certain classes of paupers, than which nothing could be more detrimental to the best interests of the poor. It remains that if there is to be out-door relief it must be given by a local body directly responsible to the ratepayers. Whether the democracy will ever consent to abolish or restrict the funds which may be devoted to the domiciliary relief of the poor is a question which the future alone can decide. If the institutional relief is handed over to a more centralised

body, and the local rate put without safeguard at the disposal of a locally elected body for purposes of out-door relief, the result would simply be ruinous. If the complaint of the ratepayer, growing louder in volume since the time of Mr. Disraeli, combined with the administrative argument originally put forward by Mr. Chadwick, ever brings the country to a practical consideration of this change, the difficulty of out-door relief must be faced. It cannot be made a national charge, nor can it be left as at present a local charge, with the purse of the now relieved ratepayer at its unlimited disposal. It must either be abolished or confined in amount to a distribution of local dole charities, aided perhaps by a voluntary rate.

The partial amalgamation, in the rural districts, of boards of Poor Law guardians with the bodies charged with other local duties, as provided in the Local Government Act of 1894, may possibly tend in the same direction. We have already alluded to the changes introduced into the law by that Act, and the abolition of *ex-officio* and nominated guardians, and plural voting. The property qualification for the office of guardian was abolished, and there was substituted a qualification which consists in being either a parochial elector within the union, or in having resided in the union during the whole of the twelve months preceding the election. In the purely rural districts the Act introduced a further important change. Under the Act, urban and rural district councils take the place of urban and rural sanitary authorities, and parishes in any rural district are represented on the board of guardians by the persons elected as rural district councillors, guardians as such being only elected in urban districts.

This amalgamation of jurisdiction was defended by one of the ministers in charge of the Bill (Mr. Acland), on the ground that it was undesirable to have local

elections turning entirely on questions of Poor Law policy. The force of the argument may be admitted, but it is a singular one to put forward in favour of a measure, which left all the more populous centres under the Poor Law jurisdiction of boards elected expressly for that purpose, which, moreover, contains no provision to prevent questions of Poor Law policy swamping all other considerations in the rural districts. The argument, *quantum valeat*, may on another occasion be pressed further. If a more judicial body for Poor Law purposes is likely to be elected when the attention of the electorate is chiefly occupied with thoughts of drainage, one may without treason question altogether the value of the principle of election as applied to this particular function of local government. Questions of drainage and water and other similar matters are likely to occupy the attention of rural district councils in increasing measure, and it may be found necessary, merely in the interest of a better division of labour, to relieve them of some part of their work.

Such a change, introduced first into the rural districts, might, if found successful, be afterwards extended to the towns. There are, then, reasons, certainly not at present conclusive, but still worthy of some consideration, which point to the desirability of a centralised administration of the Poor Law—(1) The administrative argument of Sir E. Chadwick; (2) the ratepayers' grievance; (3) the desirability of making a national responsibility a national charge; and, lastly, the advantage of reducing the number of separate local authorities, and the probability that, with unification, the vast amount of miscellaneous responsibility cast on the one local authority will necessitate some rearrangement of work between the local and the central government.

Such, then, is the present situation. If the popular electorate, which in the poorer districts of large towns

includes every old Irish woman who inhabits a room in a "compound" household, is to direct our Poor Law policy, it becomes necessary that a majority of such electorate, if it is to guide us aright, should undertake a somewhat profound study of social economics, a condition of things which does not appear attainable without a "campaign of education," on which responsible leaders of public opinion have hitherto shown no desire to embark. No one would propose that the staff of our great hospitals should be elected by such a body as the present electorate, but the incongruity of appointing the social physician and surgeon in this haphazard fashion does not seem to strike us. Our political leaders are in error in supposing that they can safely neglect this subject, because at present nothing but unpopularity is to be got by an honest consideration of it. If the present electorate continues, the responsibility of leading politicians for public opinion on this question is a very heavy one, and not to be evaded. The question must be, to some extent, a political one, and consequently the mere student has no authority. His responsibility is discharged when he has done his best to draw public attention to the subject.

The alternative to the present system is, as above argued, a more centralised administration. It is tempting to pass from evils which we know to an arrangement where all the difficulties still lurk in the obscurity of the future. Undoubtedly the change might be costly and extravagant, and in these days of sudden and violent popular pressure the independence of the officers of the State is not easily secured. A weak or, worse, an electioneering president of the Local Government Board (a thing not wholly unknown), might work irreparable injury to the public welfare by a stroke of his pen. It is to be remembered, however, that the pressure arises from the boards of guardians

that are in revolt from the central authority, and not from the existence of strong popular feeling. Under a more centralised system this pressure would be largely removed. The benefit of the 43 Elizabeth, cap. 2, had, by the year 1834, developed into the greatest curse with which a nation was ever afflicted. A costly remedy had then to be devised, the test of a Poor Law establishment for every form of destitution. The scandal of much artificial and unnecessary pauperism is still with us and may demand in the future another costly remedy, namely, the adoption of a system of central administration. It may be that only by this means England, the richest and the freest country in the world, where potentially, at all events, the condition of the poorer classes is better than in any other country in Europe, can remove from itself the reproach, that a section of its poorer classes are held in bondage not by poverty, but by the influence of an ill-considered and ill-administered law.

END OF PART THE SECOND

PART THE THIRD

THE AUTHORITY OF THE CENTRAL BOARD ESTABLISHED, AND THE PRESENT ATTITUDE OF PUBLIC OPINION

CHAPTER XXI

THE CONSOLIDATION OF THE AUTHORITY OF THE CENTRAL BOARD

The Union Chargeability Act of 1865 marks the furthest point of the policy of 1834—The disappointment of its promoters—Controversy diverted into other channels—Pashley's *Pauperism and Poor Laws*—Bitterness against the Poor Law on the decrease—The Central Board accepted as the champion of sound and humane administration—Outcry against the local authorities—Mr. Villiers' Committee—Policy of improving institutional relief, carried to great lengths in London by the assistance of the Metropolitan Common Poor Fund—Sir H. Owen's summary.

With the passing of the Union Chargeability Act of 1865, the policy of 1834, in so far as it is compatible with the retention of an elected local executive, may be said to be complete. Critics of the Poor Law henceforward seem to accept the new law, and the principle of central control was at length established as a part of the settled constitution of the land. The various steps by which the position was reached may be gathered from the narrative which follows. A preliminary word of retrospect is, however, necessary.

On the passing of the Act of 1834 hopes were prematurely expressed that the disease of pauperism was checked. Mr. Whately, writing in these early days, jestingly remarks that his board meets and, having nothing

to do, discusses the affairs of Portugal. Even Mr. George Cornewall Lewis in 1837 thought that the agitation was over; the landlords were, he says, getting their rents paid, and no longer bothering themselves about Malthus and the Whig Commissioners. There followed, as we have seen, though not perhaps in parishes which, like Mr. Whately's, had already been dispauperised, a long period of agitation against the authority of the central board. This proceeded not from the landlords, but from the chartists and a certain section of the radicals, not without some countenance from that interesting anachronism, the Young England Party.

By abolishing the Commission in 1847, and by continuing its policy under the Poor Law Board, the Government very adroitly evaded some of its difficulties. In August 1848 we find Mr. G. C. Lewis writing to his late colleague, Sir E. Head: "In England the Poor Law is no longer heard of. The experiment of direct responsibility to parliament has been decidedly successful. This is Graham's opinion as well as mine." Profiting by their predecessors' experience, the Poor Law Board wrote more sparingly, and in a less didactic manner. On 19th May 1851 Mr. G. C. Lewis writes again to Sir E. Head: "The Poor Law Board has now become purely administrative, and has no character or policy of its own. Baines, however, has managed the business very well in the House of Commons, and has disarmed all opposition and hostility. A great change has, however, taken place since our day." The catastrophe occasioned in Paris in 1848 by the recognition of the *droit au travail* and the *Ateliers Nationaux* had a sobering effect on the public mind. "Even the *Times*," says Mr. G. C. Lewis, is "very shy upon the subject of the right to relief and employment by the State." The perennial stream of philanthropic sentiment had been

diverted for the moment into other channels. Mr. Lewis comments on the situation in the following terms, in a letter, dated 4th May 1848, to Mrs. Austin : "There appears to be no propagandism at present. All the movement is Ashleyite or Walterite. It appears to be not merely a social but a socialist revolution. Somebody has said that a *provisional* Government is a Government which supplies the people with *provisions*. We shall now see the system of out-door relief, limitation of hours of work, interference between employer and workman, tried on a large scale. This seems destined to be the modern protectionism, now that corn laws and protective custom duties are giving way. There is a strong party ready to try the experiment in this country, but no principle of that sort is ever carried to its full extent at one blow in England. Both in our wise and foolish acts we generally do things by halves ; and, considering the large alloy of folly in public opinion, perhaps the existence of this perpetual drag-chain which we put on in going *up* as well as going *down* hill is not to be lamented" (p. 169).

The subject which most closely interested the critics of the Poor Law from the year 1847 to 1865 was the law of removal and settlement. The most considerable book on the Poor Law during this period is Mr Pashley's *Pauperism and Poor Laws*, published in 1852. It is largely taken up by a discussion of the question of settlement. Like every one else, the author emphatically condemns the system of parochial settlement. His solution is, first, a complete abolition of the law of settlement ; second, the levy of a general pound rate on all the landed property in England and Wales, from which fund two-thirds of the necessary poor-rate should be paid. For the remaining one-third a pound rate should be levied locally ; this margin of local responsibility was to be retained, to secure motives of economy in the local administrator.

So sanguine is the author of the improvement which would follow the enlargement of industrial freedom involved in the abolition of settlement, that he talks confidently of the improved cottage accommodation of the agricultural labourer, and anticipates a moral, intellectual, and religious advancement among the peasantry, and a more adequate and humane administration of the Poor Law in the towns. The abuses of the law of removal and settlement were largely removed by the Act of 1865,—not, it is true, precisely in the manner advocated by Mr Pashley, but his expectation of improvement has not been fully realised. Union chargeability has made it possible for the urban ratepayer to accept, with equanimity, the burden of an immigrant proletariat population. Urban expenditure on infirmaries and schools has been liberal, and relief has certainly not been denied, but it is questionable if dispauperisation has been forwarded as much as had been hoped and predicted. These sanguine expectations of improvement, though happily they have in part been justified, overlook the fact that the positive restriction of settlement was not the fetter which prevented the emancipated serf from acquiring the mobility and independence of freedom; the influence which still held the poor man in the dependent status assigned to him by our territorial or parochial system was his acknowledged right to relief. This operates independently of settlement, and is just as strong, nay perhaps stronger, when settlement becomes practically identical with nationality, or mere inhabitancy within the confines of the realm.

Sir G. Nicholls, in the last page of his work, has expressed the opinion that with the establishment of union chargeability there would be little occasion for further changes in our English Poor Law system. We may compare this with an already quoted passage from the same author's *Letters of an Overseer*, where,

relying on the successful administration in Southwell, he says that no change of the law was then absolutely essential. His subsequent career as one of the chief officials charged with the introduction of the new law, and the quotations from the Irish Poor Law History which Mr. Willink has appended to the text of his grandfather's book,[1] may fairly be quoted in qualification of his earlier optimism.[2]

Let us endeavour to set out the problem which still confronted the reformer. We mark with satisfaction the absorbent influence of a new organisation of society based on private ownership and free exchange. With Sir G. Nicholls, Mr. Pashley, and the critics of the period now under review, we welcome every effort, legislative or otherwise, to remove any hindrances which still bar the transition of the proletariat from the old system which never can be restored to the new and inevitable; but we must be conscious, for the experience of the period which we are now about to consider has taught us, that even with the career thrown open to talent, if we may so epitomise the inner meaning of the abolition of settlement, we have not got rid of all the baneful influence of the old Poor Law administration. Given a popula-

[1] See Vol. II. p. 392.

[2] The self-effacement which is so characteristic of our permanent civil service, and of Sir G. Nicholls in particular, did not blind his contemporaries as to the debt which the country owes to him. In a letter, dated 28th August 1861, Mr. C. P. Villiers, then president of the Poor Law Board, wrote to Sir G. Nicholls: "I may now, however, say how much satisfaction it has given me to think that the very great trouble that I took to get that Bill through meets with the approval of the *father* of the new system under which the Poor Laws are now administered, and that this Bill is considered by him as a valuable instalment towards the completion of that more perfect arrangement which he had from the very first advocated. The two difficulties which had to be contended with in Parliament were the sinister interests (*dead* against this change), always active and vigilant, and the indifference or disinclination to anything that caused *dissatisfaction to some people on our own side*, together with the distaste of the House to these subjects generally, unless connected with party objects."

tion long settled and maintained in a vaguely defined communism, of which the Poor Law is the last surviving vestige, with its mobility impaired by the deadening influence of a parochial title to relief, and resting content with a delusive supplementation of its income from the common property of the poor-rate, instead of advancing boldly to the new economy of private ownership and freedom of exchange; given also (we wish the assumption were better warranted) an educated public opinion that accepts the transition from the old condition of parochial status to the new condition of free contract as inevitable and on the whole beneficent, the problem is—What policy is to be pursued for the emancipation of the remnant?

The modern Poor Law represents the last vestiges of a mediæval communistic society in which generations of men lived for thousands of years;—in its full development a society not without its heroisms, its nobility, and, as Mr. Senior has put it, its substantial advantages. As a survival, contrasted with a civilisation informed by quite different ideals, pauperism is a hateful and undesirable thing, but, now as formerly, it is a perfectly adequate and sufficient maintenance, and the attraction of the rival system of private ownership and free contract is not in itself sufficient to detach from the old influences the laggard population that has not yet learned the arts of the new industrial economy. If the Legislature, as representing enlightened public sentiment, is in earnest in deploring the existence of pauperism, it is not enough to point to our expanding industry, it is necessary to pursue systematically and continuously towards pauperism a policy of disintegration and repulsion. Our whole community once existed in an ordered system of dependence analogous to a universal pauperism. It is idle to suppose that a system which once satisfied a whole nation will ever cease to satisfy the poorer section of

that nation, so long as there is no obvious material inferiority in the condition of the pauper as against that of the independent man.

But before passing to a consideration of the period of Poor Law controversy which has been devoted to the discussion (we fear we cannot say the attainment) of Dispauperisation, it is necessary to notice how the central board seems to have grown in public estimation. To some extent this has been the result of the removal of misapprehensions. The central board was not responsible for all the miscarriages of administration which occurred in the provinces, and at length its zeal to check these was acknowledged. Its authority, therefore, ought to be upheld and enlarged. Further, for a period at all events, the policy of the advocates of a profuse system of relief, and the advocates of dispauperisation as represented by the board, were united in the endeavour to improve the in-door establishments of the Poor Law. During the comparative lull in the bitterness of the controversy, the Poor Law Board seems to have consolidated its authority.

This general characterisation of the period will, we believe, be more or less fully made out in the narrative which follows. The winter of 1860–61 was very severe, the Thames was frozen over, there were heavy falls of snow impeding all out-door industries. In London a general want of confidence in the administration of the guardians displayed itself. The police courts, which seem never to have got rid of the traditions of Mr. Benett, were thronged with applicants. The fact seems to have suggested to some magistrates that they were responsible for public relief, and this attitude naturally increased the importunity and number of their applicants. Some excellent gentlemen, notably Mr. Davenport Bromley (who at that time founded the Society for the Relief of Distress) in-

terested themselves in the question. They were all of them quite inexperienced in the history, theory, and practice of public relief, but they were men of high character and position, and of obvious good faith. Letters were written to the *Times* and other journals accusing the Poor Law authorities of great remissness, and giving what some of them afterwards admitted to be an exaggerated account of almost universal suffering and destitution. The public mind was naturally disquieted, and Mr. Villiers, who was president of the Poor Law Board, prudently decided that the best course was to appoint a strong committee to inquire into the alleged failure of the law. In February of 1861, accordingly, he moved for a committee. He was supported by the present Marquis of Salisbury, then Lord Robert Cecil, who declared that the Poor Law had broken down. Unlike earlier opponents of the new Poor Law, he defended the Poor Law Board, and sought to fix the responsibility for recent miscarriages on the local authorities. He gave a long and detailed chronology of the battles that had taken place between the local guardians and the central board, and he concluded by urging that the inquiry should be into the methods and conduct of the local authorities. Most of the criticism of the debate was directed against the London authorities. They were still elected under antiquated local Acts, and many of them at this date were hopelessly corrupt, disreputable, and incompetent bodies. Their administration, however, was obliged to conform to the rules and regulations issued by the central board, and, if we may judge from the verdict of the committee, though their methods of conducting business were often a public scandal, even in their incompetent hands the Poor Law had proved strong enough and elastic enough to meet the emergency. Mr. Ayrton raised a point of much interest. He objected to the whole policy of central control as

depriving the local authority of that full responsibility which ensures the willingness of capable men of good position to take part in its work. There is, he seems to argue, a volume of plenary inspiration potentially resident in every petty vestry and local body, and the error of public policy has been the subjection of this admirable source of wisdom to the control of a mere body of experts. The most effectual safeguard against local misgovernment will arise, he argued, out of the well-grounded fear of capable citizens, that, unless they can capture its machinery, local government is apt to become a veritable scourge.

This seems a cynical and inadequate basis on which to found a fanatical belief in the infallibility of local government. The historical student is not likely to forget the practical result which came from following Mr. Ayrton's maxim, as revealed by the disclosures of the famous Inquiry of 1832–34. At the same time, if he has a preference for the policy of Lord R. Cecil, it is not because he forgets the objections to any thing in the nature of a national Poor Law, but solely because he sees that the expert guidance which emanates from the central board has recognised the dangerous nature of the principle of legal relief, and seems to appreciate the saving and absorbent power of free economic society and the necessity of a strict administration of the rival source of maintenance which is created by the poor-rate.

George the Third has been credited with one witticism. He had, he said, the warmest admiration for the wisdom of Mr. Pitt, and he was assured of the ability and public spirit of Mr. Fox, but when he found Mr. Pitt and Mr. Fox in agreement he knew that something very detrimental to the public interest was on foot. There is perhaps no inspiration in the prejudice of the excellent monarch, but a somewhat similar thought is suggested by the union which was now about to take

place between the expert advocate of dispauperisation and the successors of Wakley and Stanhope and Walter.

This appreciation of the evils of out-door relief, and of the demoralisation arising therefrom, has induced the reformers to join and even anticipate the philanthropists in demanding costly and, relatively to the homes of the independent poor, almost luxurious additions to the in-door establishments of our workhouses. The policy so adopted has, for reasons to be presently explained, not realised the hopes of the reformers; and in London, at all events, the system has been brought within measurable distance of the state of things which Mr. Tufnell feared in the passage quoted on p. 237.

As the result of this debate a committee was appointed, on which sat Mr. Sotheron Escourt, Mr. Ayrton, Mr. C. Villiers, Lord Stanley, Lord R. Cecil, Mr. Lowe, Mr. Monckton Milnes, and other members of light and leading. It sat for over three years, and its report contains a very complete vindication of the Poor Law, and more especially of the hitherto unpopular system of central control.

It passed a series of resolutions in which it affirmed that in the distress of the winter of 1860–61 "the legal machinery of administration was sufficient"; that the central authority should be continued; that the paid officials should not be made liable to dismissal by the guardians without the concurrence of the central board; that medical relief was satisfactorily administered, and that certain expensive medicines might with advantage be provided at the expense of the rates. It recommended that the Poor Law Board should be charged with the duty of appointing the auditors; that its authority should be extended over Gilbert and Local Act incorporations. It reported that the education of pauper children was on the whole satisfactory.

It recommended also that there should be better classification in the workhouse; that the relief of the casual poor in the metropolis should be charged on a common fund; and that measures should be taken for equalising the poor-rate in London, and also for introducing union chargeability throughout the country.

The report thus gave its sanction to the important Union Chargeability Act of 1865, but, for the rest, other matters occupied the attention of the Government and delayed immediate action. On 12th February 1866 Mr. Villiers, in answer to Lord Cranbourne (the present Marquis of Salisbury), promised to introduce a Bill on Metropolitan Poor Law in accordance with the recommendation of the Committee of 1861–64. Lord J. Russell's Government, of which Mr. Villiers was a member, was then on the eve of resignation, and the task of introducing the Metropolitan Poor Law Act, the 30 Victoria, cap. 6, fell to the lot of the Conservative Government and Mr. Gathorne Hardy (now Lord Cranbrook), the president of the Poor Law Board.

In introducing his Bill, Mr. Hardy pointed out that the Committee of 1861–64 had said nothing about the defects of London workhouses, but had urged generally better classification. An association called the Workhouse Infirmary Association had been drawing attention to defects in the treatment of the sick poor. The comments of the press, though somewhat exaggerated, were, he admitted, not devoid of foundation. He mentioned specially the enterprise of the *Lancet*, whose correspondents had conducted a somewhat elaborate inquiry into the subject. This showed that the requirements of the Poor Law infirmaries were, from a medical point of view, very deficient. As evidence of the change of public opinion to which his Bill was to give practical effect, he pointed out that in 1850 the Poor Law Board was writing to the Croydon guardians discouraging

the employment of paid nurses. His right honourable predecessor, Mr. Villiers, had issued a circular asking for one paid nurse at least in each ward.

Feeling himself supported by public opinion, and satisfied that the care of the sick was inefficiently carried out by the guardians, he had consulted a body of experts, Sir T. Watson, president of the College of Surgeons, Mr. Charles Hawkins, Mr. T. Holmes, and others. They had advised him that diseases caused by overcrowding were not common, but that undoubtedly a limit of cubic space should be prescribed. The workhouses of the metropolis were only in name workhouses; the able-bodied were not there, only the infirm.

The recommendations which he was prepared to adopt were that there should be per head—

1200	cubic feet	in wards for offensive cases.
500	„	the infirm wards.
850	„	surgical wards.
1200	„	lying-in wards.
300	„	general wards.
2000	„	fever and small-pox wards.

At the same time he was advised that ventilation was even more important than cubic space. On the whole, he asked the House to approve of enforcing complete classification on these lines. He pointed out, on the authority of Mr. Chadwick, that the Commissioners originally intended not large workhouses but separate workhouses for different classes. For the purpose of encouraging guardians to undertake the expense of this new departure, he proposed a common poor fund for London, and quoted with approval a memorial from the Whitechapel guardians urging that the equalisation should affect only those charges where corruption and profusion are impossible.

An interesting contribution to the debate was made by Mr. Villiers on the second reading. He dwelt strongly

on the incompetence of the local boards, and describes an interview with a "most respectable" body of guardians in Bloomsbury, which, though professing the most admirable sentiments, had allowed the most abominable abuses to flourish under their very noses. He was in favour of skilled superintendence, and, as to expect this from guardians was impossible, of giving an increased power to the Poor Law Board. Mr. J. S. Mill, at that time M.P. for Westminster, took a prominent part in the discussion. He quoted Mr. Chadwick, the sole survivor of the Poor Law Commission of 1832, as the greatest authority on the subject. He made a strong attack on the "vestries," as he termed the local bodies generally, and adopted Mr. Chadwick's opinion in favour of a larger measure of centralisation and of administration by experts. Mr. Read, M.P. for Norfolk, sounded the only dissentient note. Reflecting, no doubt, on the scanty convenience of the independent labourer's cottage for the accommodation of sickness, and on the impossibility of charging the agricultural interest with the cost of fully equipped hospitals, he remarked that they seemed to be legislating in a panic.

The provisions of the 30 Victoria, cap. 6 (the Metropolitan Poor Act, 1867), may be briefly summarised. They give effect generally to the trend of public opinion which has been above described.

It was thought that single unions and parishes relieving their own poor were unable singly to face the expense of classification in separate buildings. The Act accordingly provides for the creation of district asylums for sick, insane, or infirm persons by combinations of unions and parishes. A Metropolitan Asylums Board was constituted, of 45 members elected by the guardians and 15 nominated by the department, for the management of these joint institutions. The asylums might be used as medical schools, a provision

which was repealed two years afterwards by the 32 & 33 Victoria, cap. 63. For medical out-relief the Act authorised the building of dispensaries. It also provided for the building of district or separate schools. The cost of erection and the salaries were to be assessed according to the rateable value of the combined unions, while the cost of maintenance for its own poor would be paid by each union.

A common poor fund was further established. The Poor Law Board was charged with the duty of assessing the proper contribution on each union according to its rateable value. The fund was to be applied to the following objects :—

(1) Maintenance of lunatics.

(2) Patients in asylums suffering from fever and small-pox.

(3) Medicine and medical and surgical appliances.

(4) Salaries of all officers.

(5) Compensation to medical officers deprived of office as result of this Act.

(6) Fees for registration of births and deaths.

(7) Vaccination.

(8) Maintenance of pauper children, in district, separate, certified, and licensed schools.

(9) Relief of casuals. This last involving the repeal of Sections 1 and 2 of the Metropolitan Houseless Poor Act.

The Act further gives the Poor Law Board authority to supersede the local Acts, and to bring the election of all boards of guardians in London under the provisions of the Poor Law Amendment Act of 1834.

By the Act of 1834 the justices of the peace had been made *ex-officio* guardians. In London this element was not largely available, and, with a view of introducing persons of better education and position than the small-tradesman class which principally served the office of guardian, the Poor Law Board was authorised

to nominate guardians. Increased borrowing powers and many other minor provisions were also included in the Act.

In the same spirit the 30 & 31 Victoria, cap. 106 (the Poor Law Amendment Act, 1867), was passed, applying similar principles to the country at large. The Poor Law Board for the first time was by this Act made permanent. The supersession of local Acts, however, still required that application should be made by a majority of the guardians. The important step was also taken of transferring the selection and appointment of auditors to the Poor Law Board.

The 32 & 33 Victoria, cap. 63 (the Metropolitan Poor Amendment Act, 1869), confers further powers on the Metropolitan Poor Law authorities for the provision of training ships, and further encourages the separation of children from the adult paupers by charging the cost of placed-out children on the metropolitan common poor fund.

The 32 & 33 Victoria, cap. 67 (the Valuation (Metropolis) Act, 1869), provides for a more uniform system of assessment, and in this way makes the levy of a common rate over London more equitable. The 33 & 34 Victoria, cap. 18 (the Metropolitan Poor Amendment Act, 1870), introduced an important change into the chargeability of the in-door metropolitan pauperism. By this Act the maintenance of in-door paupers over 16 years of age became a charge on the Metropolitan Common Poor Fund to the extent of 5d. per day for each pauper, provided that the number of such paupers does not exceed the certified capacity of the workhouse. This provision, though nominally made with the object of equalising the metropolitan rate, was intended also to encourage the local administration to use in-door rather than out-door measures of relief.

This is the one legislative step which has been

taken to urge guardians to favour a stricter course of administration. It is an attempt to play on the susceptibility of the local ratepayer and such of his representatives as have his pecuniary interest at heart. The effect of it, coupled with the legislation by which it was preceded, has undoubtedly been to increase the in-door relief of the metropolis both in respect of cost and number. It is very doubtful, however, whether it has at all decreased the number of out-door paupers.

The controversy about in-door and out-door relief which began about this period derives its interest from considerations other than those of economy, and though, in the course of the argument, the pecuniary aspect of the subject may have been frequently mentioned, it is a great error to suppose that motives of economy have played a decisive part in the battle. It is improbable that one ratepayer in a hundred knows anything about the different incidence of the cost of in-door and out-door relief; and the representatives of the ratepayers, having rarely received any express mandate from their constituents, have acted impartially, and have administered the law in the way which to their wisdom or ignorance seemed best. The love of patronage and the general disposition of the uninstructed guardian to give relief in the way most agreeable to the applicant, especially as, in most cases, the guardian's knowledge of the subject suggests to him no reason to the contrary, are motives far more powerful than any desire to deal economically with other people's money. Except, therefore, in one or two boards where guardians, rightly or wrongly, have been induced to entertain theoretical objections to out-door relief, neither the provisions of this Act nor any other motives of economy have had much effect in reducing out-door relief. The real effect of this Act has been to furnish London and, in so far as the metropolitan example and standard has been followed, other large towns, with a very costly and even profuse system of

in-door relief which is not used as a test of destitution, but which is accepted by large classes of paupers as preferable to out-door relief. The preponderance of in-door over out-door relief, henceforward to be observed in London, is due to the increase of in-door pauperism, and not, except in three or four unions, to the decrease of out-door pauperism.

As an indication of the state of things which this policy has created, the following evidence may be adduced. It refers principally to London, but the facts recorded are typical of the tendency in all large centres of population.

In 1888 a select committee of the House of Lords was appointed, on the motion of the Earl of Aberdeen, to inquire into the administration of the Poor Law in populous places. Sir H. Owen, the permanent secretary of the Local Government Board, was specially examined on the improved methods of administration which had resulted from Hardy's Act of 1867. The mean number of paupers relieved in the metropolis on 1st July 1887 and 1st January 1888, excluding vagrants and lunatics, was 92,298, and the ratio per 1000 of population was 24·2. This is made up of ratios ranging from 62·2 per 1000 in the loosely administered union of the City of London, to 10·9 in the well-to-do districts of Hampstead and 16·1 in the poor but carefully administered union of Whitechapel. In 1880, according to Sir H. Owen, the ratio of pauperism per 1000 of population had been 26·7, and in 1870, 52·3 per 1000. This, of course, is extremely satisfactory, though the satisfaction is somewhat marred by the reflection that if the strict and humane policy followed in the poverty-stricken region of Whitechapel had been adopted elsewhere, as it might with much more ease, the dispauperisation would have been much more extensive and real.

A second satisfactory element, moreover, had to be

noticed. The ratio of pauperism to population had decreased in spite of the vastly improved accommodation which was provided for it. Formerly, he says, the sick were almost always in sick wards in the same buildings as the other classes of poor, but there was then scarcely a union or parish in the metropolis which had not its separate infirmary. Since 1867 no less than 11,000 beds in separate infirmaries (which are to all intents and purposes hospitals) had been provided. There were in 1866 a total paid nursing staff of 111, and in all the London workhouses there were only three night nurses. Then (1888) there were more than 1000 paid nurses. With regard to medical attendance, previous to 1867 a medical officer who was in private practice attended for a period each day. He was paid a salary, and was, as a general rule, expected to provide drugs, etc., at his own cost. Then (1888) there was a resident medical superintendent giving his whole time to his duties, and a resident assistant, and all the necessary drugs and appliances were supplied and paid for by the guardians, a portion of the cost being repaid by the parliamentary grant.

As the result also of the same Act, the Metropolitan Asylums Board now have hospitals at Stockwell, Hampstead, Homerton, Fulham, and Deptford, and a convalescent home at Winchmore Hill. Formerly there only existed the London Fever Hospital and the London Small-pox Hospital. The board also has hospital ships for infectious cases at Purfleet. At Darenth, within two miles of the ships, there is a convalescent camp. Asylums also for lunatics have been provided at Leavesden, Caterham, and Darenth, providing for 6000 patients. They also have a training ship, the *Exmouth*, which is moored off Grays. To induce the guardians to provide adequate separate schools, Mr. Goschen's Act expressly provided that children under 16 should be excluded from the number

of in-door paupers entitled to receive a grant of 5d. per diem from the common poor fund.

Subsequent statistics of metropolitan pauperism tell much the same tale. The ratio of the solvent population is gaining slightly on the ratio of the dependent population. The fluctuations that occur in the returns can, as a rule, be referred to a special stress of weather, or, as in the year 1895, to the influx of less experienced administrators, brought about by the passage of the Act of 1894. This rate of dispauperisation is far less rapid than it might and should be; but, such as it is, official optimism is able to quote it not only as a convincing answer to alarmists who from time to time raise an agitation in favour of a reactionary policy, but also as a ground of patience and confidence to reformers who see, as they think, far larger possibilities of reform.

These legislative enactments may be said to mark the establishment of the central board in the public esteem. Suspicion was thus cast again on the local administrations. Our next step must be to show how the Local Government Board, which superseded the Poor Law Board in 1871 (*i.e.* by the 34 & 35 Victoria, cap. 70), used its now more fully recognised authority to push forward that policy of dispauperisation which constitutes the whole point and purpose of the principles laid down in 1834. The favouring breeze of popular approbation, which encouraged them to proceed in urging the improvement of institutional relief, was composed of more than one element. On the one hand, there was the general and laudable desire that adequate and humane provision should be made for the poor. The somewhat effusive good-nature characteristic of a community which on the whole was very prosperous does not always reflect on the ultimate consequences of its philanthropy. On the other hand, the old teaching of the Poor Law Commissioners still had its disciples. They approved of the large expendi-

ture on in-door establishments, because they believed that they would be used as a test in the manner recommended by the report of 1834; in other words, not as a mere extension of the facilities for relief, but as a means of dispauperisation. In the future chapter we must follow the result of this somewhat incongruous alliance.

CHAPTER XXII

DISPAUPERISATION

A revival of interest in the problems of poverty—The Society for the Relief of Distress—Mr. Goschen's minute of 1869—A renewed attempt to apply scientific rule to the cure of pauperism—The reply of the local authorities—The diversion of criticism from indiscriminate Poor Law to indiscriminate charity—The Charity Organisation Society—The continued attack on out-door relief—Mr. Doyle's statistics, Mr. Booth, Mr. Hunter—The episode of Brixworth—Dr. Chalmers on the relapse of dispauperised districts into pauperism—The increase of in-door as compared with out-door relief in London and large towns—Endeavour of the Local Government Board to promote co-operation with charity—Report from Mr. Bury, from Miss Hill, and Gen. Sir L. Gardiner—Details as to the early history of dispauperisation in the East End.

The intervention of Mr. Davenport Bromley and of the Society for the Relief of Distress in the attack which was made on the Poor Law in 1860–61 has already been mentioned. Their attitude at first appears to have been distinctly hostile to the spirit of the new Poor Law and its administrators. Their evidence, given before Mr. Villiers' committee, shows that they had been misled by the exaggerated language of that too numerous class of philanthropists which always speaks in superlatives. Indirectly, however, their action had many important results. It induced many persons who were not professional philanthropists to give careful consideration to the subject. It took the society a year or two to discover the difficulty of the task on which it had embarked. One of the almoners of the society, Mr. Edward Denison, M.P. for Newark, carried his investigation and study into the very heart of the subject. He became convinced that mere alms-giving was useless. As then carried on, it was a mere

senseless competition with the Poor Law. He resigned his almonship, but continued to live for some time in the poor district of Stepney.[1] The same dissatisfaction was felt by other members of the new society, and the opinion was circulated that the vast sums of money given away in charity from endowed funds and subscriptions, distributed without any reference to the relief dispensed by the Poor Law, tended to increase rather than diminish the dependence of the poor.

A number of noblemen and gentlemen who were actively concerned in the work of the Society for the Relief of Distress combined to promote an association for the more scientific treatment of the subject, a movement which ultimately led to the foundation of the London Society for Organising Charitable Relief and Repressing Mendicity. Their object was to prevent the abuses pointed out by Edward Denison, and to promote concerted action and a reasonable division of labour between the various agencies, legal and voluntary, which were concerned in the administration of public relief.

In addition to the interest excited by this private investigation and discussion, the Poor Law Board, under the presidency of Mr. Goschen, did its best to direct public attention to this aspect of the subject.

In January 1869 the Out-door Relief Regulation Order was issued to certain metropolitan parishes where it had not been in force. There had been, during recent winters, considerable difficulty in dealing with the applications of able-bodied men, and a special inquiry had been made by Mr. Corbett, one of the Poor Law inspectors. He had been brought into communication with the East End Central Relief Committee, a body of which Mr. Denison was an active member, and had suggested various methods of co-operation.

[1] See *Letters of Edward Denison*, edited by Sir Baldwyn Leighton, Bart. 1872.

Unfortunately, the workhouse accommodation was so defective that it was not possible to use it, even for the relief of single able-bodied men; and the stone-yard never operated as any real test of the necessities of the applicants.

On 20th November 1869 Mr. Goschen issued a minute of the Poor Law Board, entitled Relief to the Poor in the Metropolis, which, along with other causes, has had a considerable influence on Poor Law policy.

"The published statements of metropolitan pauperism," it recites, "have for some weeks past shown a considerable increase in the numbers of the out-door poor, not only as compared with previous weeks, but as compared with the high totals of 1867 and 1868. At the same time, it has come to the knowledge of the board that many persons, especially in the east end of London, who two winters ago were most eager in soliciting charitable contributions, have now expressed the opinion that the large sums spent there in charity tended to attract pauperism to those districts where money flowed most freely, and that they deprecate a repetition of the system then pursued." The board accordingly wish to guard against panic, and, at the same time, "to take such precautions and make such preparations as may enable boards of guardians and charitable agencies to work with effect and rapidity if any emergency should arise." "Apart from any question of out-door relief," the minute goes on to argue, "it is very desirable that some understanding should be reached between those who administer the Poor Law and those who administer charitable funds.

"The question arises, how far it is possible to mark out the separate limits of the Poor Law and of charity respectively, and how it is possible to secure joint action between the two.

"One of the most recognised principles in our Poor Law is that relief should be given only to the actually

destitute, and not in aid of wages. In the case of widows with families, where it is often manifestly impossible that the earnings of the woman can support the family, the rule is frequently departed from, but as a general principle it lies at the root of the present system of relief. In innumerable cases its application appears to be harsh for the moment, and it might also be held to be an aggravation of an existing difficulty to insist that, so long as a person is in employment, and wages are earned, though such wages be insufficient, the Poor Law authorities ought to hold aloof and refuse to supplement the receipts of the family,—actually offering in preference to take upon themselves the entire cost of their maintenance. Still, it is certain that no system could be more dangerous, both to the working classes and to the ratepayers, than to supplement insufficiency of wages by the expenditure of public money."

The minute, after insisting that the Poor Law is intended for the relief of destitution, continues: "It would seem to follow that charitable organisations, whose alms could in no case be claimed as a right, would find their most appropriate sphere in assisting those who have some but insufficient means, and who, though on the verge of pauperism, are not actual paupers, leaving to the operation of the general law provision for the totally destitute."

The minute then deprecates the practice of charitable institutions which supplement the inadequate relief given by the guardians. It is the duty of the guardians to give adequate relief; it follows, therefore, that the charitable ought not to assist those who are being relieved by the guardians.

Guardians, it is pointed out, cannot legally give relief (1) in redeeming tools or clothes from pawn; (2) in purchasing tools; (3) in purchasing clothes (except in cases of urgent necessity); (4) in paying

the cost of conveyance to any part of the United Kingdom; (5) in paying rent or lodging. The powerlessness of the guardians in these respects suggests that charitable institutions might, where such aid is required, supplement the relief given by guardians.

"It remains," the minute continues, "to consider by what means such an understanding can be brought about.

"The first point is, that there should be every opportunity for every agency, official or private, engaged in relieving the poor to know fully and accurately the details of the work performed by all similarly engaged. The lists of the relieving officers would form the natural basis for the necessary information. No funds are at the disposal of the Poor Law Board with which they could appoint a staff and provide offices for organising a general registration of metropolitan relief. Other means must therefore be sought, for providing that a public registering office should be established in every large district."

To this office the clergy and charitable institutions generally should send a list of their beneficiaries. The arrangement must be carried out by a voluntary organisation. The Poor Law Board was willing, however, to give aid, to authorise guardians to furnish weekly lists of persons in receipt of relief, to pay for extra work done in this respect, to instruct their inspectors to assist in systematising, as far as possible, relief operations in various parts of the metropolis.

As a general practice the charities are recommended to adopt the following rules:—

(1) Not to give food or money to persons in receipt of Poor Law relief.

(2) To inform the relieving officers of the relief they give.

(3) To refer persons whom they do not relieve to the relieving officer, and also to refer to the appropriate

charity those whom the relieving officers are unable to relieve.

"In 1867," the minute concludes, "great advantage resulted in the east end of London from the understanding established between the guardians on the one hand and the representatives of the charities on the other, with the co-operation of Mr. Sclater-Booth, then secretary of the Poor Law Board, and Mr. Corbett, Poor Law inspector. At the time of the Cotton Famine the Poor Law authorities and the administrators of charity also worked together with great success. These precedents justify the belief that great benefits would result to the metropolis if a cordial understanding could be arrived at, and arrangements made between all parties engaged in relieving the poor, based on practical and systematic rules in conformity with he general plan sketched in this minute."

The Appendix to the Twenty-second Annual Report of the Poor Law Board reproduces several communications from boards of guardians in reference to the foregoing minute of the Poor Law Board. Some of them say that efforts were being made to give effect to the views therein expressed. The St. George-in-the-East guardians directed their clerk to say that they "have resolved that as soon as any charitable association is formed for this parish they will be happy to confer with them, with a view to adopt such measures as may be considered best to promote that object."

The Hackney board warmly approved of the suggestions of the minute, and stated that most, if not all, of the recommendations have already been adopted. Last year (*i.e.* 1868) a general relief society, with a staff of visitors and inquiry agents, had been founded. "This year the same society has remodelled itself and now forms 'A Society for the Organisation of Relief.' . . . This organisation accomplishes very completely what is contemplated in one of the recommendations of the

minute,—that they might apply to the relieving officer on behalf of such totally destitute persons whom, in the course of their operations, they might find unrelieved, but who properly fall within the sphere of the relieving officer."

The guardians of Marylebone reported that they had received a letter from the local committee for Organising Charitable Relief, and that they have, as suggested therein, conferred with Mr. E. W. Hollond, Colonel (afterwards and better known as General Sir H. Lynedoch) Gardiner, and Mr. C. J. Ribton-Turner, members of the St. Marylebone Charity Organising Committee, as to the best means of giving effect to the recommendations contained in the minute of the Poor Law Board.

In an interesting communication the Stepney board stated that the minute has been read "with great satisfaction," and also that they are "deeply impressed with the importance of aiding, in every way in their power, to put an end to the evils attendant upon indiscriminate almsgiving." They propose to publish lists of the names of those in receipt of relief, and "trust that the various dispensers of private charity will, by availing themselves of the information thereby afforded, be enabled to render assistance in those quarters where it will be really useful, and where its bestowal may not tend to the demoralisation of the poor, as must be inevitably the case in those instances where it is given *unknowingly* to persons already in receipt of relief from the poor-rates." In a later communication the board states that it has appointed a committee to confer with representatives of the local charities.

The Whitechapel board, which was destined to take the lead in the line of policy suggested by the board, directed its clerk, Mr. Vallance, to assure the central authority of their willingness to co-operate in the way suggested. The favourable replies from the guardians

were to a considerable extent the work of men like Mr. E. Denison, General Gardiner, and Lord Lichfield, whose private secretary was the Mr. C. J. Ribton-Turner mentioned in the Marylebone communication. All of them had been members of the Society for the Relief of Distress; and Lord Lichfield, more than anyone else, was the founder of the Charity Organisation Society, and his secretary, Mr. Ribton-Turner, was its first organising secretary.

Some of the replies to the minute are less favourable, and disclose at the very outset the difficulties which lay in the way of the policy proposed. The attitude adopted by these boards varies from complete indifference to more or less explicit hostility.

Thus the Wandsworth and Clapham union, "while sincerely desirous to co-operate with them in any well-devised scheme for obtaining the object stated therein, are nevertheless unable to come to any definite conclusion as to the best means for securing the same."

The guardians of the City of London union, with complacent irrelevancy, state they "feel it their duty to relieve all cases of destitute poor residing within the limits of the union, according to the exigencies and circumstances of each case, and they never shrink from affording such relief as may be required, either in money, articles in kind, bedding and clothing, or medical assistance." Then, referring to the various forms of relief prohibited to guardians, they remark: "Charitable funds may perhaps be available for the above-mentioned objects, but the guardians have no need to refer applicants to charity for assistance, for they have not felt themselves bound by the restrictions laid down by the law." The increase of pauperism is due, they argue, not to their own enlightened proceedings, but to indiscriminate charity, and to the arrangements made for the houseless poor.

Thus, in reply to a request to consider plans for

the improvement of the system of public relief, they merely assert their own right of patronage, which they carry out "without shrinking." They also, and here they are in agreement with many who were more favourably disposed, impute the increase of pauperism, not to their own shortcomings, but to the administrators of funds far less important in amount than those under their own control. Thus, then, the unwillingness of guardians to relinquish any part of their own extensive rights of patronage constitutes the first difficulty.

The observations of the guardians of the Holborn union point out very effectively the weak spot in the proposal. They remark that "while the minute is couched in the statutory language of the Poor Law, with the general principles of which the guardians thoroughly agree, yet that this language and the directions given in the minute are not sufficiently definite as regards their practical application, nor such as to enable the guardians to make any material alteration in their present mode of dealing with the destitute, much less effect the desirable object of securing harmonious action between the various charitable agencies and the authorities of the Poor Law." This seems to go to the heart of the matter. To suggest that the Poor Law should relieve the destitute, and not those who are merely poor, is futile unless the administrator has some definite conception of what destitution is. The Central Board, possibly from motives of policy, does not suggest any definition, and there is nothing in any of the replies to show that the definition, absolutely clear and logical and infallible in application, as laid down by the Poor Law Commissioners, and quoted on page 282, was present in the minds of the writers.

Shortly after this, as a practical method of administration, and not as the result of any formal

resolution, the guardians of Whitechapel and Stepney and St. George-in-the-East adopted the automatic test of institutional relief as the only efficacious plan of defining destitution. A man is destitute when he is willing to give up his present insufficient resources in exchange for a maintenance in some Poor Law institution. The minute either did not accept this definition or, accepting it, did not think it wise to state it, preferring to leave its discovery and adoption to the local administration. In any case, whatever may have been the motive, the omission laid the Poor Law Board open to the retort of the Holborn guardians, namely, that they do already confine their relief "to the classes prescribed by law, and they are of opinion that to curtail in any serious degree the relief given, either as regards the number of persons relieved or the amount given to each particular case, would lead to the occurrence of many cases of death by starvation, and, before taking any steps to diminish the number of recipients of relief, the guardians would be compelled to ask for a closer examination of their practice by the agents of the Poor Law Board. The guardians would further observe, that in no case is the relief administered to any poor person, out of the workhouse, 'adequate' of itself to maintain them without assistance derived from some other source. The relief in the Holborn union is probably given as liberally as elsewhere, and if increased would certainly attract the poor from other districts. According to the return last week (ending 13th November), 6374 persons were relieved, out of workhouses, at a cost of £384, 15s. 10½d., or nearly 1s. 2½d. per head—a sum obviously insufficient of itself to maintain 'destitute' persons in a state of health, the more so as many of them are unfit to work, and others labouring under acute disease. And, such being so, the guardians are bound to admit that there is scarcely a pauper on their books who has not

an ostensible and, in most cases, a valid claim on charitable help,—help which, moreover, has been habitually bestowed upon them for many years, and is not likely to be materially lessened or withdrawn at the suggestion of the Poor Law Board. The guardians are therefore of opinion that it would be impossible in most cases to provide 'adequate relief' to the extent and with the object proposed in the minute of the Poor Law Board."

The Poor Law Board, it is then adroitly pointed out, had suggested "that the almoner of charities should abstain from giving food and money, or supplying any such articles as the guardians are themselves strictly bound to grant, and should confine their assistance to donations of bedding or clothing, which the guardians may not consider themselves bound to provide at any particular moment, and which can be easily distinguished from other relief. . . . But it seems to the guardians that the principle of relieving the same person by both agencies being once admitted, any organisation which tends to ignore that principle must inevitably fail. They would observe also, that the forms of relief suggested are those which are least generally bestowed by the charitable. A meal of food, a ticket for grocery, and a little money are within the powers of thousands who cannot afford to give a blanket or a bed; and it is utterly impracticable to think of putting a stop to gifts of this nature, even were it desirable to do so."

They next discuss the recommendation that outdoor relief should not be given in aid of wages. The language of the minute, they say, admits that the case of widows is exceptional, and they justly add the exception is so large as virtually to swallow up the rule. Further, they remark, 50 per cent. of the adult pauperism of London is composed of persons partially incapacitated. The guardians ask rhetorically: "Can

we refuse relief to this class on the ground that by so doing we are supplementing wages?" The same line of argument is applied to every form of out-door relief. Then follows a singular but unconscious confession of the mischievous character of their administration of the law.

"The guardians, however, do not wish to disguise the truth. They are convinced that it is by means of the relief afforded to the out-door infirm and more or less disabled poor that the competition in the lower forms of labour is increased to such an extent as to reduce the wages paid for it. The price of various forms of needlework could not be maintained at the present starvation standard, but that so much is done by persons in the receipt of parochial relief." The "observations" then point out how persons working in seasonal trades are in slack times relieved, in aid of the wages of the busier period of the year. "The practice of paying rents directly from the rates is undoubtedly injurious, and affords a fair example" (*i.e.* of the impracticable nature of the recommendations of the minute), "but stringent as the prohibitory orders are on this important point, it is expressly stated that 'nothing therein shall prevent the guardians, in regulating the amount of relief to be afforded to any particular person, from considering the expense to be incurred by such person in providing lodging'; in fact, the guardians are instructed, by letter from the Poor Law Board, to supply to the pauper the means of paying rent, whenever they do not deem it expedient to require the party to come into the workhouse. On this point, therefore, the guardians would request to know the directions of the Poor Law Board in greater detail."

"The guardians in practice," the observations conclude, "therefore discover the greatest difficulty in drawing the hard-and-fast line both as regards the

persons denominated 'actually destitute' and the legal and illegal methods of relief, and they are compelled to represent that the efficiency of their administration depends less upon such theoretical distinctions than upon the exercise of a just discrimination as regards the relief afforded in each case."

As comment on this very interesting communication, it may be remarked that the guardians' statement that out-door relief was not, and was not intended to be, adequate, in the sense that the recipient had no other source of maintenance, suggests comparison with the rule adopted by the working class in the management of their own friendly societies. There the partially incapacitated man who declares on his club for sick benefit is not allowed to earn anything. His fellow-members rely partly on the man's honour and more particularly on the supervision of the visitor for the enforcement of this necessary rule. Working people know that if this rule was relaxed the administration of sick insurance would be impossible; and if this is so when the fund on which the claim is made is a voluntary fund, *a fortiori* is this the case when the fund is a public rate. Secondly, it may be conceded that the dilemma of the Holborn board is a very pertinent one, —Was the Poor Law Board prepared to give a clear and practical definition of destitution, or did it shrink from the responsibility?

The observations of the Islington board of guardians follow a similar line of argument.

If relief was only given to the destitute, "there would be very few out-door paupers, for it would be difficult to show that many of them were actually destitute, and that those who are able to work a little *earn no wages.*" It does not occur to the memorialists that it is precisely because of this insuperable difficulty that the plan of offering all or nothing is recommended. Nor do they advert to the fact that under the Act of

1834 it was intended that out-door relief should be the exception and not the rule

Next they argue : "If the out-door relief were made adequate to the entire maintenance of the paupers, and these principles were strictly acted upon, the allowances must be increased to an extent unbearable to the majority of the ratepayers." Here, indeed, is another insuperable difficulty in the way of administering out-door relief. The other resources of the out-door pauper must always be estimated by guess-work. Under the circumstances, human nature cannot be expected to make a full disclosure, and guardians, as a rule rightly, expect an underestimate of income from an applicant for relief; the allowances given by the guardians are therefore based on guess-work, and, being so small in amount, they must frequently be either unnecessary or inadequate. It is absurd to suppose that the average scale of 1s. 2½d. per week[1] (*i.e.* 2d. per diem) hits off the exact deficiency between "other" resources and adequacy of income.

The difficulty with regard to the organisation of voluntary charities is stated thus :—

"The number of agencies—which in a large district are very considerable, there being one or more separate and independent charities in connection with nearly every place of worship, as well as many others—would prevent the required co-operation, unless they could be all brought into one, or reduced to a much smaller number."

Elsewhere the board expresses the view that such organisation might be possible under some compulsory machinery, but the policy of compelling charitable association seems to them doubtful.

"No voluntary action would provide the registering office and registers, for, supposing the co-operation practicable, the machinery and staff, from the amount

[1] See the memo. of the Holborn board above quoted.

of correspondence and labour in preparing registers, would entail considerable expense, which many of the charity agents would not be authorised to pay; while others would be unwilling to give up their independence in the disposal of their funds, and the registers, to be effective, should be complete and kept through the year."

This sentence states very clearly what has proved a principal obstacle to the organisation of charity. It is a subject on which there is a good deal of misconception, and this early exchange of opinion is interesting both by reason of the arguments stated and those left unstated. The bald statement made by the central board, that it is the duty of the Poor Law to relieve destitution, is and was unconvincing. The pauper, whatever his social merits or demerits may be, has a right to have his necessities relieved, no more and no less. This is all that the law, in justice to the poorer class of ratepayers, gives or intends to give. The statement, however, gives no definition of necessities, nor does it prescribe the way in which they are to be given to the pauper. In the absence, therefore, of authoritative ruling, those practically interested were at that time left to work out the problem for themselves.

There is no need to appeal to any more recondite principle than that of common sense to establish the general proposition, that if two or more agencies are endeavouring to do the same work, it is desirable that some sort of understanding should be established between them. What is the work that is being attempted by those several agencies of public relief? If we might venture to frame a reply, their object is to secure (1) adequate relief, and (2) dispauperisation. The two objects are capable of being made compatible; but if the adequacy of relief goes to such a length that the condition of the pauper is more eligible than that of

the independent labourer, dispauperisation is impossible. Again, too strenuous efforts after dispauperisation may result in an unwarrantable denial of relief, and may bring about a reaction in public opinion. These are the extremes which have to be avoided.

The wise administrator, whether he be occupied with the distribution of legal or voluntary funds, must consider how he can best use the various agencies engaged in the work for forwarding these two objects. He will not, it appears to us, gain much practical assistance from ancient saws about destitution being the province of the Poor Law, though, properly understood and explained, the proposition contains the kernel of the whole matter.

The first consideration which he has to determine is, will his procedure be (1) by division of labour, (*i.e.* a partition of the field of action on some definite and easily understood principle), or (2) shall the several agencies endeavour to co-operate in the same field, more than one of them dealing with each applicant, but with such concert that the united effort shall amount to adequacy. All attempts, it may at once be said, to adopt the second of these alternatives have failed, and for the reasons given by the Islington board in the above-quoted observations. Charitable almsgiving proceeds from a great variety of motives. The charity of the poor to the poor, of employers or neighbours to a poor person known to them, does not differ from the ordinary courtesies of life, and cannot be made the subject of registration. If this private charity is brought in contact with Poor Law or public charitable relief, it is apt to shrivel up and disappear. This is an element in the problem to which much can safely be left, but which cannot be brought into effective co-operation with official sources of relief. Yet as a measure of relief it is at once the most sympathetic and most efficient. Indeed, one of the

strongest arguments in favour of a complete division of labour is that private charity of this kind is quickened and expanded by the withdrawal of the Poor Law from its sphere.

Again, the organisation of public charity, on the lines that it is to work in the same field as the Poor Law, is practically impossible. The effective organisation of charitable societies still remains little more than an ideal. Prompt concerted action is very difficult to secure, and it becomes quite impossible when the concert is required to include the Poor Law officials as well as the charitable agents. Even where a division of labour has been most successfully introduced, the charitable agencies favourable to concerted action have been obliged to collect a sort of emergency fund which is not strictly the result of an organisation of charity, but rather a fresh fund collected to provide for the relief of persons for whom the assistance of the appropriate charity is not immediately forthcoming.

Apart, however, from these difficulties of detail, the objection to this plan of co-operation in the same field is that the arrangement does not make for dispauperisation. This can only be secured by the more or less complete removal of the Poor Law from the field of out-door or domiciliary relief.

The resolute attitude of a board of guardians that will not shrink from applying the ratepayers' money to any object that seems good to them, who go to the poll taking credit for this line of action, whose philanthropy is supported by an inexhaustible purse, may be a most potent and virulent cause of pauperism. The argument sometimes put forward, that the poor prefer to be relieved from a charitable source rather than from the poor-rate, is, in all but very exceptional cases, a delusion. The poor-rate involves a recognition of a legal claim; and if its administrators think fit to extend the field of its operations as widely as the law

permits, the inevitable result is a vast multiplication of the number of those who come forward to receive a subsidy which they regard as their right. This means an increased concentration of the efforts of the poorer population on learning the arts of obtaining relief, and a corresponding lack of susceptibility to the influences that make for dispauperisation.

The evils attributed to indiscriminate almsgiving, as opposed to legal relief, have in this respect been very much exaggerated, and at this period (1869–70), at anyrate, exaggerated, with the result of drawing off public criticism on a false scent. It is very doubtful if, even in the City of London, where dole charities have been thickest on the ground, they have contributed to the pauperisation and demoralisation of the poor to any degree approaching the injury done by the methods of an unreformed board of guardians. If indiscriminate allowances are productive of degenerate habits, the great offender against the well-being of the poor is a system of legal relief established everywhere throughout the land, holding meetings at fixed and regular intervals, keeping open house for all comers, spending out of an inexhaustible purse, and doling out allowances, practically without inquiry, at the average rate of 2d. per diem to all applicants. That indiscriminate and thoughtlessly given alms from charitable sources is an evil need not be denied, but, compared to the system then and now employed by many boards of guardians, it is infinitesimal in its influence, and, even at its worst, its evil effect is in many cases mitigated by the element of personal sympathy and superintendence which is never wholly absent from charitable almsgiving.

The conclusion, therefore, which maturer experience has approved is that the desirable form of co-operation must be by division of labour. Private charity, in the stricter sense of the term, is a thing that cannot and

ought not to be systematised. To induce the administrators of public charity to refrain from giving to persons who are also being relieved by the Poor Law is a task which cannot easily be performed by law or persuasion. It involves the conversion not of a parliament, but of a nation. It is, however, quite within the power of the Legislature, or of any given board of guardians, to take steps for the curtailment of out-door relief.

The first step, therefore, towards any improvement in the administration of public relief must come from the sole quarter which can act promptly and with decision. Influenced by these and other considerations, and encouraged thereto by the arguments of the Poor Law Board and its inspectors, to be presently noticed, and also in London by the successful foundation of the Charity Organisation Society, which undertook to deal with the hard cases that might arise from the stricter line of administration, several boards, more or less formally, began to limit their operations to the provision of institutional relief, thus leaving all domiciliary relief, in so far as it was necessary, to be provided from voluntary sources.

The Charity Organisation Society from the first experienced the truth of the Islington guardians' contention, that voluntary charities would not readily fall into line, and as a consequence, and contrary to its original programme, the society has been obliged to undertake a certain amount of relief work, instead of being a mere charitable clearing-house, as was at first intended.

Those who were responsible for the founding of the earlier Society for the Relief of Distress were men of good social position who had the ear of the legislature and the press. Their first impression led them to make a violent attack on the provision made for the poor by the Poor Law. The error of this attitude was

quickly perceived and acknowledged by men like Mr. Edward Denison, Lord Lichfield, and Sir Lynedoch Gardiner. The Poor Law authorities, however, had been attacked. Those who understood the subject, like Mr. Villiers, strove to prevent the agitation from bringing about a relaxation of the law. They attributed the unmanageable character of London pauperism to the failure of the guardians to provide the necessary machinery for carrying out the principles of the law. The local administrator, on the other hand, always very jealous of his authority, naturally resented attack, and declared that the whole difficulty arose from the indiscriminate action of their charitable critics. With a little more knowledge and experience, the feeling that the indiscriminacy which injured the poor proceeded much more from the guardians than from the charitable public took definite shape, and was adopted by the influential section of the public which had been drawn to a consideration of the subject by the Society for the Relief of Distress.

In addition to the gentlemen already named, the movement for the better organisation of public relief was joined by Sir Charles Trevelyan, Miss Octavia Hill, the Rev. W. H. Fremantle, then vicar of a Marylebone district church, Mr. John Hollond, some time M.P. for Brighton, Mr. A. G. Crowder, and many others who at that time and afterwards devoted much patience and labour to this difficult problem. From Mr. Goschen, in the minute already mentioned, and from Mr. Stansfeld, who succeeded him as president of the central board, the movement received much support and encouragement. The inspectors of the Poor Law Board, which in 1871 became the Local Government Board, were instructed to make minute inquiry into the administration of out-door relief throughout the country. A series of very valuable reports were drawn up, in which the ordinary prac-

tice of the guardians was condemned in very strong terms.

The first instalment of these reports is added as an Appendix to the Twenty-third and last Annual Report of the Poor Law Board. The condemnatory character of these reports grows stronger as fuller knowledge and observation confirmed the inspectors in their belief that the administration of out-door relief was a serious blot on our Poor Law system, and as their propagandist efforts continued to receive the approval and support of the political head of the department.

Passing over the details of maladministration, as disclosed by the inspectors' reports, we may notice that prominence is again given to the subject in the First Report of the Local Government Board (1871–72), signed by Mr. Stansfeld, a gentleman whose services to the cause of Poor Law reform deserve grateful acknowledgment. Here the central authority took up a more decided attitude.

"We have given much consideration to the question of the administration of out-relief, the large amount of which — £3,663,970, being nearly one-half of the total expenditure for the relief of the poor—renders it the most important of the items into which that expenditure is divided. It is also the branch of expenditure which affords the best prospect of effecting any material reduction in the burthen of pauperism."

The report goes on to relate that the board had requested its inspectors to draw the attention of the guardians to the subject, and had more particularly specified the following, among other arguments, as worthy of the attention of the local authorities.

"Many causes have doubtless contributed to the increase in out-door relief which has taken place; but the board believe, from the information before them, that it is not to any considerable extent attributable to defects in the law or orders which regulate out-door

relief. So far, therefore, as the increase is attributable to defective management or administration of the law, the remedy is in the hands of its local administrators, the guardians, and may be at once applied by them."

The above is a fair specimen of the official optimism which at all times has been content to point out that, in certain specified parishes or unions, successful dispauperisation combined with adequate relief has been found possible, and that therefore no change in the law is required, for, as it was formerly expressed, a Whately will arise in every parish. The board probably knew that no change in the law was possible; and though statements of this kind, which are obviously inconsistent with the facts of the case, are to be deprecated, it cannot be denied that they took a public-spirited and courageous line in attempting to educate public opinion.

The following table shows the variations in the amount of out-door relief and out-door paupers in England and Wales from the year 1861 to the year 1870:—

Year ended at Lady-day.	Out-door Relief.	Average Number of Out-door Paupers.	Rates Per Cent. of Out-door Pauperism to Population.	Average Price of Wheat.
	£			s. d.
1861	3,012,251	758,055	3·8	55 10
1862	3,155,820	784,906	3·9	56 7
1863	3,574,136	942,475	4·6	52 1
1864	3,466,392	881,217	4·3	43 2
1865	3,258,813	820,586	3·9	39 8
1866	3,196,685	783,376	3·7	43 6
1867	3,358,351	794,236	3·7	53 7½
1868	3,620,284	842,600	3·9	67 6½
1869	3,677,379	860,400	4·0	58 3
1870	3,633,051	876,000	4·0	46 2

Information from other sources convinced the board that the increase was due to administrative causes.

"The inquiries which have been made by the board show conclusively—1. That out-door relief is in many

cases granted by the guardians too readily and without sufficient inquiry, and that they give it also in numerous instances in which it would be more judicious to apply the workhouse test, and to adhere more strictly to the provisions of the orders and regulations in force in regard to out-door relief.

"2. That there is a great diversity of practice in the administration of out-door relief, and that a marked contrast is shown in the numbers relieved, and in the amount of the relief granted in the unions in which the guardians adhere strictly to the law and in those in which they more or less disregard it."

A long list of examples follows. Thus in Faringdon union, one of the first to introduce a more careful administration, there was 1 pauper to every 47 of the population, and the cost 7s. 6d. per head of population; while in the neighbouring union of Wokingham, 1 in every 12 of the population was a pauper, and the cost was 14s. 7d. per head of population. In the late union of Atcham (*i.e.* the rural union not yet incorporated as a new union with Shrewsbury), 1 in every 59 of the population was a pauper, and the cost was 4s. 9d. per head of population. In the neighbouring union of Clun the proportion was 1 in every 17, and the cost 8s. 3d.

"3. It has been shown that in numerous instances the guardians disregard the advantages which result not only to the ratepayers, but to the poor themselves, from the offer of in-door in preference to out-door relief. A certainty of obtaining out-door relief in his own home whenever he may ask for it extinguishes in the mind of the labourer all motive for husbanding his resources, and induces him to rely exclusively upon the rates instead of upon his own savings for such relief as he may require. It removes every incentive to self-reliance and prudent forethought on his part, and induces him, moreover, to apply for relief on occa-

sions when the circumstances are not such as to render him absolutely in need of it."

Examples are then given as to the impossibility of testing the necessity of applicants for relief otherwise than by offering in-door relief. Thus out of 212 applicants to the Amersham union in Buckinghamshire, not one was sufficiently necessitous to accept in-door relief. This leads to a mention of the argument from economy by which guardians persuade themselves that out-door relief is cheaper than in-door. An out-door pauper can be dealt with for 4s. a week, but in-doors he will cost 10s. Quoting from Mr. Wodehouse's report, the board points out the obvious fact that inasmuch as not 1 out of 10 accept the offer to be maintained in the house at a cost of 10s., the advantage to the ratepayers derived from an in-door system amounts to 30s. in respect of every 10 applicants for relief. For 10 persons, if relieved out-door, will receive 4s. a piece, (*i.e.* 40s.). If relieved in-door, only 1 in 10 accepts (*i.e.* 10s.).

After this and other comment on the administration of out-door relief the board lays down certain recommendations.

"(1) Out-door relief should not be granted to single able-bodied men, or to single able-bodied women either with or without illegitimate children.

"(2) That out-door relief should not, except in special cases, be granted to any woman deserted by her husband during the first twelve months after the desertion, or to any able-bodied widow with one child only.

"(3) That in the case of any able-bodied widow with more than one child, it may be desirable to take one or more children into the workhouse in preference to giving out-door relief.

"(4) That in unions where the Prohibitory Order is in force the workhouse test should be strictly applied."

The board intimates that in future it will be more exacting in the matter of sanctioning exceptions than heretofore.

The relief given should be for a limited time, so as to insure periodical reconsideration. The relieving-officers must visit more frequently. The provisions requiring contributions from relatives of paupers should be more strictly enforced. Some check, by the way of fuller and more formal report, should be imposed on the orders for meat and stimulants issued by medical officers. It is also suggested that, following the successful experiment in Liverpool, boards might with advantage "appoint one or more officers, to be termed 'Inspectors of Out-relief,'" whose duty it would be to act as a check on the relieving officers, and ascertain also the circumstances connected with the recipients of relief.

As the result of these instructions to their inspectors, the board had learnt with satisfaction that meetings of the chairmen of boards of guardians in several districts had been held, and that resolutions had been passed in general conformity with the views of the board. "When we have received complete reports . . . we shall be in a position to determine whether the existing laws and regulations are sufficient to ensure the proper administration of out-relief, or whether any further legislation or orders on the subject may be necessary."

In the same connection, namely, the necessity of restricting out-door relief, the report records the experience of the Atcham union, which, under the chairmanship of Sir Baldwin Leighton, had pursued an even course of dispauperisation from before the year 1834. In July 1871 the heavily pauperised town of Shrewsbury was added to the rural union of Atcham. The Atcham method of administration was applied to Shrewsbury, with the result that in five months, and these not the most favourable for reducing pauperism, a most remarkable diminution had taken place.

The following table shows the reduction :—

ATCHAM UNION.—Shrewsbury Relief District.

Number of Paupers Relieved, and Amount of Out-Relief, week ended 22nd July 1871.			Number of Paupers Relieved, and Amount of Out-Relief, week ended 16th Dec. 1871.			Reduction Per Cent. in		
No. of Cases	No. of Paupers.	Out-Relief.	No. of Cases.	No of Paupers.	Out-Relief.	No. of Cases.	No. of Paupers.	Out-Relief.
262	519	£24 13 0	124	152	£13 7 9	52·67	70·71	45·83

"This striking result is wholly attributable to the adoption, in the Shrewsbury district, of the more careful system of administration that had been so long in operation in the Atcham union as formerly constituted."

Contemporaneously with these beginnings of a stricter administration of out-relief, "continued progress has been made during the past year in providing in the metropolis separate accommodation for the sick, and in the arrangements for relieving the crowded state of the workhouses, and for securing proper classification." Long details are added of the increased expenditure for this purpose, as well as for separate schools, which was in course of being incurred by the London guardians. The more extended operations of the managers of the Metropolitan Asylum District are also set out at some length. The board also records the fact that 39 boarding-out committees had been formed under the provisions of the General Order of 25th November 1870. In all 112 children were boarded out from various London unions, Liverpool and West Derby, Bristol, Birmingham, Stone, Chorlton (Manchester). The new arrangement is said to be working satisfactorily.

The general policy seems to have been greater care and adequacy in the administration of relief where the guardians assume the whole charge and responsibility,

and, as far as the recommendations of the Local Government Board can bring this about, a restriction of the relief given by guardians in supplementation of wages and other sources of independent income. In fact, the friendly society policy of all or nothing was obtaining larger acceptance.

The next year's report (1872–73), also signed by Mr. Stansfeld, proceeds on the same lines. It records the steps taken by the inspectors to promote conferences for the discussion of Poor Law problems, and reports that some progress has been made. The recommendation of the board had been generally approved, but as the report sapiently adds: "It is, however, not the mere assent to general views, but the practical application of them to the actual administration of the law, which can operate to produce the beneficial result which we hope for." As to how far this has been attained the board is not able to express a confident opinion. The difficulty in all these matters, it may be pointed out, is not merely to obtain assent to certain obvious theoretical propositions. The obstruction to the reforms recommended by the central authority has never been a reasoned one; and though the Local Government Board has continued to argue that no change in the law is required, it remains that the conditions under which guardians are elected and administer the law have made, and will continue to make, the practical adoption of principles of reform extremely difficult, if not absolutely impossible. It is not too much to say that popular election, especially if the electorate is roused to take an interest in the subject, results as a rule in the choice of persons who are specially unfit for the exercise of duties which are at once technical and judicial.

The argument in favour of strict administration is further enforced by a contrast instituted by Mr. A. Doyle, one of the inspectors of the board,

between the pauperism and burden of laxly administered unions as against those which had adopted the recommendations of the central authority. The unions which he selects for comparison are Brecknock, Builth, Crickhowell, and Hay, unions in the county of Brecknock; and Atcham, Church Stretton, Drayton, and Madeley, unions in the county of Shropshire. The Welsh unions gave 93·37 per cent. of their relief in the form of out-door relief, while in the Shropshire unions selected for comparison the proportion, still a high one, was 76·75 per cent. The difference of administration, the inspector suggests, accounted for the high rate,—1s. $2\frac{1}{4}$d. in the pound in the Welsh unions, against only $4\frac{7}{8}$d. in the Shropshire unions. The rate per cent. of pauperism on the population was 5·6 in the Welsh unions, and 2·7 in Shropshire. If the comparison had been confined to the single union of Atcham, the only union which had applied the strict principle with any sort of thoroughness, more remarkable results would have been apparent. There the proportion of out-door to in-door relief was 52·60, and the percentage of pauperism on population only 1·6, and the pound rate only 3d.

Advocates of the stricter system have been at considerable pains to prove a proposition so obvious that it really requires no proof whatsoever. That a contraction of the facilities for obtaining relief will produce a decrease in the number of paupers is surely an incontrovertible statement. Very elaborate statistical proof has from time to time been given. One of the earliest is that of Mr. Doyle's, to which reference is now made. He follows up his statistical argument by showing that the poor have not suffered by the change, and that, of course, remains a point on which difference of opinion is still possible.

There is, of course, nothing astonishing in the figures quoted. What is astonishing is, that the love of para-

dox seems to be so strong in the human nature, even of the statistician, that an elaborate manipulation of figures has been used to prove that the rise and fall of pauperism does not necessarily respond to different methods of administration. This paradoxical result is obtained in various ways. In Mr. Booth's elaborate and highly esteemed work it is obtained by showing that in utterly dissimilar unions, where the tenure of land and other conditions are entirely different, a comparatively lax administration of Poor Law relief is compatible with a low rate of pauperism. Assuming that a large excess of out-door relief over in-door relief is a sign of a lax administration, he can show that the Fylde, a Cheshire union where the land is largely cultivated by small tenants without the aid of labourers, has a low rate of pauperism in spite of an evidently lax administration. This obviously proves nothing. To establish his proposition, Mr. Booth must show that a stricter administration in Fylde had failed to produce a diminution in its pauperism such as it is, and, *vice versâ*, that the lax system followed in Fylde would not result in a great increase of pauperism if adopted in unions where the law is now more strictly administered.

Another method by which the obvious truth has been obscured is that pursued by the late Mr. Hunter in an article on "London Pauperism and Out-Relief," in the *Contemporary Review* for March 1894. He there assumes that a strict and restrained system of relief can be predicated of unions where more than the average amount of relief is given in-doors. In the country, where there is no elaborate system of infirmaries and district schools, and none of the urban encouragements and endowments to the homeless vagrant life, this assumption may be warranted, but it is entirely unwarranted with regard to London, the district to which Mr. Hunter applied it.

The heavy in-door pauperism of London is not the result of the use of the workhouse and its auxiliary establishments as a test. Except in 3 or 4 unions there has been no serious attempt to curtail out-door relief, and even in those unions where out-door relief is not given the increased comfort and abundant adequacy of the workhouses, infirmaries, and schools, and the more ample provision made for lunatics and afflicted persons, have largely increased the numbers of those who are willing to accept such assistance. In the great majority of cases, however, the increased expenditure on in-door institutions has not been accompanied by any restriction by guardians of out-door relief. Mr. Hunter, instead of inquiring into what was the actual practice in the several unions, classified the London unions on a statistical computation as to the proportions of out-door and in-door relief. Those that gave more than the average of in-door relief he called in-door unions, and he assumes that in-door unions are the same thing as strictly administered unions. Thus Whitechapel, which on principle gives no out-door relief at all, and Bethnal Green, which rarely refuses out-door relief to those who ask for it, and which is inclined to strain the law on every occasion to admit rather than to disqualify applicants for this form of relief, were both classed as in-door unions.

The explanation of the fact that the in-door relief of Whitechapel is largely in excess of its out-door relief is, of course, to be found in the fact that the guardians give no out-door relief. The reason that in Bethnal Green the in-door relief is above the average of that given in the whole of London cannot be attributed to the same cause, for it is notorious that the Bethnal Green guardians at that period gave out-door relief very freely. The explanation is, that although every one who wanted it obtained out-door relief, the number of those who preferred in-door relief was still very large.

This was due to the fact that the more or less homeless class in Bethnal Green is large, and that the discipline of the workhouse has been very lax, much more than to any superior adequacy in the sick wards; for it is also notorious that this board of guardians had for many years been blamed by the Local Government Board for their neglect in providing proper infirmary accommodation. The fact that in London the Poor Law has to deal with a large homeless class, many of them persons who when in good health, and while the weather is fine, "tramp" the country districts and only return to London in winter, or when they are sick, accounts not only for the press of applicants to partake of the free-and-easy hospitality of the Bethnal Green workhouse, but also for the less favourable result obtained by careful administration in unions like Whitechapel, compared with the larger dispauperisation brought about by a similar policy in country unions such as Bradfield.

This anticipatory digression has been introduced here in order to justify the author's intention to exclude any large appeal to statistics from the pages of this work. There can, he believes, be no reasonable doubt that a strict system of administration does reduce pauperism, the only question of interest is how far can this restriction be justified on grounds of humanity and public security, and how far is it possible to define the point at which strict administration may be held to pass into unjustifiable denial of relief? At the time of which we write the strict policy was in its experimental stage. Figures were very properly adduced to show the amount of reduction which might be expected under given conditions. Mr. Doyle sums up: "It is perfectly clear, therefore, that by applying the workhouse as a test of destitution, although the number of in-door poor will as a matter of course be considerably increased, yet the increase will

be far more than counterbalanced by the decrease in the number of out-door poor." Subsequent experience has shown that this anticipation of an increase of in-door poor is often devoid of foundation, and that in normal circumstances the result of a restriction of out-door relief over a course of years is a reduction of the in-door poor also. This fact is a confirmation of the view which is amply proved by other considerations, namely, that independent poverty, such as will be cheerfully accepted by the poor in preference to relief in a Poor Law establishment, is a stage in advance of pauperism on the road which leads to complete industrial independence.

This proposition is entirely in keeping with the general theory of pauperism which it has been the object of these pages to establish. In accommodating himself to the inevitable advance of modern forms of civilisation, man has to surrender and cut himself adrift from his share in the communism of primitive society and feudalism. In this view the poor-rate represents the scanty demoralising remnant of an antique communism. Before complete independence, under the new conditions of private property and freedom of exchange, can be achieved, every vestige of reliance on the old communistic tenure, and that debased survival of it, the poor-rate, must be rooted out. There may be a point between the relinquishment of the old and the acquisition of the new which involves, for the moment, a more absolute destitution, but such depression can only be momentary. In surrendering his claim to have his share in the poor-rate dispensed to him at his own home, the poor man, if he could be persuaded so to see it, is removing from himself an influence of enervation and defeat. Further, he is signifying his trust that his own inalienable property, the labour of his hands, can, by the medium of a free exchange, ensure to him inde-

pendence not only during the period of his own able-bodied life (that has been secured to him by the drastic surgery of the Act of 1834), but provision for times of sickness and old age, for his widow and dependent children, for his legitimate desire for leisure and improved conditions of life generally. In putting forward this conception of the economic sufficiency of the industrial society, it should not be necessary to point out that it is by no means unappreciative of the nobler interests of life, of art and literature and leisure, or oblivious of the vanity of riches, or too much inclined to condone the hatefulness of avarice. On the contrary, it commends itself because all other plans, though they seem more ostentatiously to recognise the higher life, are barred from its attainment by the undeniable facts of human nature and by the teaching of history, by conditions in fact which seem to be inevitable. A reasoned belief in the high destiny in store for man, as conceived in the Hegelian doctrine of the evolution of freedom,[1] necessarily involves the frank acceptance of the principles of personal liberty and personal responsibility. These carry out their beneficent work of social construction by means of the recognised economic institutions of property and exchange. In this connection it should be remembered that the era of contract, to adopt again Maine's convenient terminology, is comparatively new. In passing from the condition of status, society has to divest itself of accretions of character and habit, the growth of many centuries. The forces which make for economic freedom are, we believe, relentless and irresistible, but they work slowly. It may be the fortune of this and perhaps the next generation to live in a period of reaction. The Hegelian formula, like that of the geologist, requires epochs of time for its verification. The details whereby society advances to this ideal,

[1] See the quotation on the title-page of this volume.

in the practical work of the Poor Law and elsewhere, may be matter of dispute, but the trend of social and economic history cannot be disputed.

Of the integrating forces which increase the absorbent powers of a free society we have spoken generally,[1] but progress consists not only in the integration of the new, but in the disintegration of the old. On these grounds the Poor Law reformer insists that the disintegration of the old is not complete, and that the instructed citizen has in this regard a duty to perform. Mr. Booth, in an interesting passage of one of his earlier books, speaks of the necessity of "harrying" the residuum, Class A, the submerged tenth, into adopting a mode of life more appropriate to modern conditions. The Poor Law reformer will hesitate to adopt a term of such aggressive significance; he will be content with a less ambitious formula. There is no need for an aggressive policy of "harrying"; all that is required is that a larger measure of respect should be shown to the principle of personal responsibility. The risks of life, and the necessity of meeting them by an acquisition of property held on the tenures recognised by civilised society, convey in sufficiently imperative form a teaching which not even the communism of the poor-rate has ever entirely set aside. Philanthropy

[1] The author designed at one time to add a chapter on the growth of wages and working-class property, but considerations of space forbid. The reader is referred to a recent volume—*Provident Societies and Industrial Welfare*, by Mr. Brabrook, the chief registrar of Friendly Societies,—wherein he states that in 1898 there was under the supervision of his office some 300 millions sterling, for the most part belonging to the poorer classes. A computation made by the present writer shows that in 1891 the same institutions had funds amounting to 220 millions, and fifteen years earlier, *i.e.* 1876-1877, they accounted for 111 millions, on the whole an encouraging rate of progress. The progress of the poorer class in adopting the contractual as opposed to the customary and semi-servile basis of life is the subject of an article in the *Quarterly Review* for April 1899; to this the reader is referred for a fuller statement of the argument.

which overlooks the necessity of thus preparing the foundation cannot be largely successful.

This principle conceded, it is obvious that the policy may be applied in a great variety of ways. In the reports of this period we are told how restriction had been applied at Atcham with successful results. How at Brixworth a committee of the board of guardians was appointed, 16th January 1873, on the motion of Albert Pell, Esq., M.P., "to inquire into the mode of administration of out-door relief in this and other unions"; how, on 27th February 1873, the board of guardians having been duly and officially notified, resolved that the report of the committee as then presented should be adopted and acted upon. The report practically recommends the discontinuance of out-door relief. Of this report the Central Board remarks: "We have received with much satisfaction a statement of the recent proceedings of the guardians of the Brixworth union, who early in the present year appointed a committee to inquire into the mode of administering out-door relief in that and other unions. The complete and able report of the committee, which was adopted by the guardians, and ordered to be acted upon, will be found in the Appendix, p. 68."

For more than twenty years the Brixworth board of guardians pursued this policy. It was reversed, as the result of a strenuous agitation in 1895. The pauperism at once began to increase, and the union is now administered much in the same way as are the other unions of the country. This, it is hardly necessary to say, proves nothing beyond the fact, which no one disputes, that a local electorate, if it can be goaded into taking an interest in the question, is not likely to take a view favourable to a strict administration of the Poor Law. The initiative in overturning the policy of the board did not come from the poor themselves, but

rather from the middle-class sentimentalist, who, in a somewhat materialistic spirit, prefers the stall-fed comfort of the out-door pauper (stall-fed, be it noted, at the maximum rate of 2s. 6d. per head per week) to the dust and heat that may arise in the struggle for independence.

"In the work of abolishing legalised charity," said Dr. Chalmers, "the heaviest conflict will not be with the natural poverty of the lower orders, but with that pride of argument and that tenacity of opinion and all those political feelings and asperities which obtain among the higher order." The "experimentalists" at Brixworth, and in other places where the policy still stands, have demonstrated the capacity of the poor for a larger measure of independence than is allowed them under the ordinary administration of the law. Dr. Chalmers, in speaking of the abandonment of his own system of voluntary parochial relief, has recorded a protest which may well serve for all his imitators. "This has long," he says, "awakened my bitterest regret, but it cannot shake my confidence. Even one decisive experiment in chemistry will establish a principle that shall remain an enduring certainty in science, even though an edict of power in the spirit of that blind and haughty pontiff who denounced the Copernican system should forbid the repetition of it. My experiment has been made and given forth its indelible lesson, though my experimentalists have been disheartened and scared away. This no more invalidates the great truth which they have exemplified so well than a mandate of intolerance can repeal a law of physical nature, or change the economy of the universe."

The incident is, of course, of no importance except to the now more numerous class of victims which the new policy will sweep into pauperism in the union of Brixworth, a result pitiable enough, but not devoid of compensation if it serve to emphasise the need of

placing a reformed administration of the Poor Law on some less precarious foundation.

The history of Brixworth must suggest to every serious student of the subject how inadequate was the merely administrative reform of 1834; how difficult it still is to keep within control, even when once it has been brought within measurable limits, the expansive virulence of a law which is dangerous if not radically vicious. Dispauperising administration is indeed, under such conditions, a Sisyphean labour, and the legislature may well take note of the fact.

In the early seventies no reaction had as yet set in, and in many places is to be found the same dispauperising zeal. A conference of guardians is thus described.

"The conference of metropolitan guardians, convened by Mr. Corbett to confer with him 'upon the practical administration of relief and its results in their respective unions, and to consider suggestions for imposing certain limitations upon out-door relief and the substitution of an efficient workhouse test, especially to all single able-bodied applicants for relief,' together with recommendations for the more frequent visitation of the poor at their own homes and the more strict and careful investigation of the circumstances of all paupers to whom out-door relief is granted, have agreed upon the following report."

All the metropolitan unions were represented, and some 18 resolutions were passed, urging the necessity of a stricter administration of out-door relief. It is hardly necessary to set these out in detail, as they are of the same tenor as the recommendations of the Local Government Board, which have been already quoted.

The board, as further evidence of the importance attaching to the subject, give elaborate statistical tables. Even at that time the metropolitan Poor Law area had a larger proportion of in-door, as compared with out-

door, pauperism than other districts, and probably for reasons which still exist. The homeless and semi-vagrant class tend to gravitate to the large towns at all times, and especially when in need and when the weather is bad. The superior accommodation of the metropolitan in-door establishments were already making this form of relief preferable in many cases to the inadequate relief given to the applicants at their own homes. Many of these applicants, moreover, had no home. In all England and Wales the ratio of out-door to in-door pauperism was 5 to 1. In England and Wales (less the metropolis), 6 to 1. In the metropolis alone, $2\frac{1}{2}$ to 1. With the exception of Hackney, which had a proportion of 6 to 1, a comparatively low rate of out-relief is observable throughout the metropolis, but as yet in none of them had out-door relief become the exception. Several of the unions show an equal proportion of out-door to in-door pauperism.

At Atcham, Salop, the proportion was as 1 to 1. This seems to be the only rural union where the proportion was low. In the large provincial towns the same causes which operated in London had tended to make the proportion of out-door to in-door relief comparatively small.

Thus at Birmingham it was 3 to 1; at Aston, 2 to 1; at Leicester, 3 to 1; at Derby, 3 to 1; at Manchester, 2 to 1. At Preston it was 1 to 1; at York, 2 to 1. In South Wales the average proportion was as 16 to 1. At Aberayron, in Cardiganshire, it was as high as 80 to 1. In North Wales the proportion was 16 to 1, rising in the union of Anglesea to 55 to 1.

In the report of 1873–74 the board records how its campaign against out-door relief was being continued. "Shortly after our inspector, Mr. Longley, was appointed to the charge of the metropolitan

district we requested him to report to us on the administration of out-relief generally in his district. We have now received from him a very exhaustive and satisfactory report on the subject, a copy of which will be found in the Appendix." This report, as all Poor Law students are aware, has become a classical document on the subject of out-door relief.

Other influences were at work. Blue-books and official reports have unfortunately a very small circulation, and only a very limited number of guardians have ever seen or heard of Mr. Longley's report. The subject was, however, discussed elsewhere. Mr. Vallance, at a meeting of the Social Science Association, read a paper on the subject of Poor Law administration, in which, speaking of out-door relief, he said: "The system operates to the encouragement of a lifelong anticipation of a parish allowance as an eventuality, if not absolutely to be desired, at least not worth a present self-denial to obviate." Among persons interested in charitable work the new propaganda attracted much attention. Mr. Longley alludes in well-merited terms of praise to a work entitled a Handy-Book for Visitors of the Poor in London, by Mr. C. B. P. Bosanquet, Esq., Secretary of the Charity Organisation Society.

At one of the conferences of guardians which took place at this period, Mr. Corbett, one of the inspectors, had drawn attention to the Parochial Missions Women's Association, members of which had acted as collectors of savings, and to the very large sums of money which had "through its means been saved by a very low and usually thriftless class of the poor." Guardians were thus invited to consider what the poor could do for themselves, and also what the wealthier classes were willing to contribute in private charity, and to the rate-saving and dispauperisation which would result from a proper utilisation of these sources of income.

The reports of the board no longer reflect the somewhat antagonistic feeling which at one time existed between the representatives of the Poor Law and the agents of charitable institutions. The subject of co-operation between legal and voluntary agencies was approached in a liberal spirit, tentatively and sometimes on lines which afterwards proved impracticable. Thus a report refers with commendation to a conference of East End guardians held in January 1869, where an opinion was expressed "that the good effect upon the poor of the personal influence and supervision of individual guardians can scarcely be overrated — an opinion which has been remarkably illustrated by the experience of several members of this conference, who, working at once as active guardians of the poor and members of the district committee of the Society for Organising Charitable Relief within their Union or Parish, have devoted much time to personal inquiry into the circumstances of the poor who have been applicants either for parochial or charitable relief." There was also about this time an improvement in the *personelle* of boards of guardians. The theory of dispauperisation was fresh, and some were sanguine enough to think it practicable in the existing state of the law. Persons capable of considering the best interests of the poor, and not merely anxious to preserve their own patronage or prerogatives, became eager to serve as guardians. Altogether, it may be said that the prospect of effecting a large reform in public opinion and practice on the whole subject of relief administration was, at this period, very encouraging.

Three documents of an unofficial character, bearing on the same question, are included in the appendices to this report (1873–74), the Third Annual Report of the Local Government Board. The first is a report from the Rev. William Bury, rector of Hazelbeach, member of

the Brixworth board of guardians, on the progress of the reforms which had been introduced in that union. In giving the statistical result, namely, a reduction of pauperism from 1 in 14 to 1 in 22 in the course of 12 months, he states his conviction that this change for the better has not been accompanied by great additional suffering. "Each case," he says, "that has been permanently struck off the out-door relief list has been watched as far as it was possible to do so, and the subsequent condition and manner of living carefully recorded. It appears that during the year ending 31st December 1873 out-door relief has been permanently discontinued from 241 paupers; of these, 2 have died, 3 have accepted the offer of the house, 12 have left the district (this includes a family of 6 persons), 9 are maintaining themselves with occasional help from relatives, 55 are supported by relatives who seem well able to do it; the remainder, to the number of 160, are entirely supporting themselves in the district, and of these only 7 appear to have any difficulty in doing so, while 4 out of the 7 are acknowledged to be cases requiring relief, but for whom the house is manifestly the proper place, the offer of which has been made but persistently refused. "The above statement serves, I think, to exonerate the board from any suspicion of harshness, and is a sufficient justification of the course that has been adopted. It appears from this that of 241 persons who were supported by the rates on 1st January 1873, only 3 were being so supported on 1st January 1874; or in other words, that 236 persons who on 1st January 1873 were paupers, on 1st January 1874 were independent."

Some of these persons were assisted by private charity, otherwise the numbers obliged to accept relief in the house might have been greater; but this, he naturally argues, is a happy and not unexpected result.

"It must, however, be acknowledged," Mr. Bury continues, "that a reform so radical as that which has been described, cannot have been effected without a certain amount of suffering often endured in silence, escaping therefore the notice of the most careful investigation, and difficult to estimate as it was impossible to prevent. Yet at the same time it should be remembered that such consequences, however much to be deplored, are really due not to the reform itself, but to the neglect in former years which rendered such reform necessary."

The foregoing candid statement seems very accurately to represent the spirit in which the reforms at this date were undertaken and pressed forward. No one denied the hardships inseparable from the life of the poor. The question was: At what rate shall the emancipation of the poor from pauperism be pressed forward? Of course, there was a theoretical background to the determination of the reformers to press forward, but every step was carefully watched, and private charity was judiciously employed to facilitate a transition to a system which, though it might appear harsh to individuals of the present generation, yet promised a great amelioration for all future time.

The endeavour in all these attempts at reform is to pursue a policy of emancipation rather than of construction. The constructive influences are supplied from other sources, and are not within the control of the administrators of public relief. Unfortunately, to prove, as it were, the continuity and correlation of moral as well as physical forces alongside of, and mainly as a result of, viciously administered Poor Law, there had grown up a spurious and ineffectual form of provident association. Public-house clubs, mainly of a festive character, with premiums inadequate even for the very inadequate benefits which they offered, and consequently in a perennial state of bankruptcy, were

encouraged and kept alive by a loosely administered system of out-door relief. The suggestion was of course made to the reforming board of guardians at Brixworth, that the funds at their disposal should be used to supplement these inadequate and mischievous institutions. This policy, which unfortunately seems so plausible [1] to many administrators of the Poor Law, was happily rejected.

"With regard to the course which the board has recently adopted, of taking the club allowance at its full value, it would perhaps be premature to express a decided opinion. We may, however, safely conclude that what experience has proved to be the right course in other unions will be so in our own, as conducing ultimately to the formation of clubs which are self-supporting." Later reports show how this expectation was justified. In no respect has a badly administered Poor Law been more harmful to the best interests of the poor than in the out-relief bounty which it has given to ill-regulated, dishonest insurance associations in their powerful opposition to the advance of sound friendly society finance.[2]

The second document, to which allusion requires here to be made, is a report from Miss Octavia Hill on Official and Volunteer Agencies in Administering Relief, drawn up at the request of the Local Government Board. This gives an account of the system of co-operation which was then inaugurated between the

[1] So plausible is the argument in favour of an opposite policy, that supplementation of inadequate benefit society allowances has been specially authorised (though it required no authorisation) by 57 & 58 Victoria, cap. 25. Guardians are by this Act authorised to leave out of consideration any sums derived from a friendly society when they are calculating the relief necessary for the support of the pauper. It is hardly necessary to point out that, under the guise of benevolence, this is a most insidious attack on sound friendly society finance.

[2] Some interesting particulars as to the disappearance of inadequate and insolvent clubs in Northamptonshire is given in the Report of the Chief Registrar of Friendly Societies, 1890, p. 16 and Appendix E.

Poor Law and the charitable agencies of a district in Marylebone. The guardians resolved to recognise one of the volunteers as representing all the federated charities, and Miss Hill, as representing the relief committee of the church district of St. Mary's, Bryanston Square, and also the local branch of the Charity Organisation Society was asked to be the medium of communication between the guardians and these two bodies.

At this time the Elberfeld system of relief was attracting considerable attention, and apparently the system then attempted in Marylebone was to some extent inspired by that ideal. Volunteer visitors to the number of 35, including the clergy and their staff, were employed in visiting the districts assigned to them. When an application for Poor Law relief was made in the ecclesiastical district of St. Mary's, the visitor for the court or street where the applicant lived furnished to Miss Hill a report which was, by her, communicated to the relieving officer. In this way information of a much fuller character was made available for the guardians. An exchange of relief lists was also made between the guardians and the charitable relief agencies. Some improvements and extensions naturally suggested themselves, and are commented on by Miss Hill; among others, that volunteers should be empowered "to pay the regular out-door relief of the aged at their own homes, instead of compelling them as at present to gather at the workhouse door to receive it. As to the advantages of this plan I have as yet come to no decision. On the one hand, it is a gain that the poor should not be obliged to congregate for relief, which has a pauperising effect upon them; and moreover, the weekly visitation of the home would form a regular method of inspection. On the other hand, as I have stated above, the less the visitor is contemplated as an almoner the more independent and

satisfactory are her relations likely to be with her people,—and I fear the distinction between bringing and giving relief would not be very clear to recipients."

The ultimate condemnation of this proposal is foreshadowed in the final paragraphs of her report.

"In conclusion, I may say that the system described above would, when perfectly carried out, ensure that out-door relief should be confined to the deserving, and that drunken and idle people should be offered the workhouse only. Thus far our volunteer workers are fully aware of the objects for which they are associated together. But I am myself satisfied that the scheme is capable of a far deeper influence on the condition of the poor when the volunteers shall rise to the perception that, in dealing with poverty, they must aim at prevention rather than at cure; at saving those under their influence from sinking to the Poor Law level, rather than merely obtaining relief for them when they have reached that low point. Few of my fellow-workers have as yet grasped the idea that their best success would be to develop the resources of the poor themselves, instead of letting them come upon the rates or continue on them. I think they rarely set before themselves the desire to find some employment, at hand or far off, which may support the young widow and her children before she has tasted the parish bread. I think they rarely press upon the old woman the duty of first trying if the successful son cannot support her, or the daughters in service unite to do so. They have not yet watched the poor closely enough to see that this would be in reality the truest kindness. They forget the dignity of self-maintenance; they forget the blessing of drawing the bonds of relationship closer, and dwell only on the fact that the applicant is deserving—see only the comfort or relief which the parish allowance would secure."

By precept and by example Miss Hill has done as

much as anyone in her generation to invent new fields of usefulness for charitable effort. It is doubtful, however, if even yet any large proportion of the general public have realised the truth which she sets out so pointedly. The general impression among the public is that the Charity Organisation Society, which has endeavoured to act on Miss Hill's ideal, is mainly a society for detecting imposture. In view of the mischievous nature of this misconception, one is sometimes inclined to regret that the society ever troubled itself about impostors at all. The indolent, benevolent public rests content when, by the aid of the society, it is assured that its alms have not been dishonestly used; but it remains quite indifferent to the truth, so forcibly urged by Miss Hill, that the most urgently needed work of charity is not to prevent giving of alms to the impostor, but to shelter the thrift of the poor who are not impostors from the blight of Poor Law and charitable relief.

A further communication on the Utilisation of Voluntary Efforts, by Sir H. Lynedoch Gardiner, vice-chairman of the St. Marylebone board of guardians, is the third document which requires notice. This paper is practically a supplement, from the point of view of a guardian, to Miss Hill's paper. He first insists on the notorious and admitted inadequacy of the information collected by the relieving-officers, and the impossibility of basing satisfactory decisions thereon. At a recent conference it had been suggested that more relieving-officers should be appointed, but he asks: "Why should we contemplate an increase of staff when we have at this moment, ready made to our hands and close at our doors, bodies of visitors (generally belonging to religious denominations, each the centre of a little circle of charity), who are for the most part willing to co-operate cordially with us, and to furnish us, on that understanding, with information

as to habits, character, occupation, pecuniary means, etc., which it would be difficult to arrive at from any other source."

He thinks hopefully of the success of Miss Hill's experiment in Marylebone. He then notices an objection raised by some of his allies, whom he describes "as a party of theorists who propound a principle of no supplementation, under any circumstances, to Poor Law relief. This is too large a question to go into fully here. I will only say that the principle is plausible enough in theory, but utterly impracticable at present, if there is to be anything like co-operation between the Poor Law and charity. I hope the time may not be very far distant when out-relief in money from the rates may cease, and organised charity take its place, *but it must be a gradual process.* Sudden changes in long-established law and custom, however desirable in theory, may prove cruel and unjust. Our first step in the reform of out-door relief has already been taken in trying to confine it to deserving chronic cases; but even this cannot be effected until workhouses are provided large enough to admit of due classification of the inmates, so that the workhouse test can be fairly applied. The cry of the ultra-non-supplemental party to whom I have alluded is, 'oblige the guardians to give adequate out-relief.' But the guardians know . . . that any really deserving case is perfectly sure to be supplemented by charity, and in the interest of the ratepayers they naturally refrain from giving a larger sum when a smaller one is practically sufficient. . . . All that the scheme adopted in St. Mary's aims at, is that the parish allowance in a deserving chronic case shall be supplemented (as a temporary measure during a period of transition) to the extent of providing the necessaries of life by regular and organised, instead of by fitful and desultory, charity. . . . Let it not be supposed, from what I

have said, that I advocate a mixture of charitable and Poor Law relief; on the contrary, unless in very exceptional cases, of which I have cited the most important one, I hold it to be essential to keep the two distinct. . . . I commend these schemes to notice only as practical experiments that are being made in the right direction."

These early experiments and differences of opinion are not a little interesting. It is a common enough expedient in controversy to disparage a dissentient opinion as a theory. Sir H. Lynedoch Gardiner and his friendly opponents of the "ultra non-supplemental" party really desired one and the same thing, a cessation of out-door relief. The recorded difference of opinion turned really on a question of tactics, and not of principle. The plan of Miss Hill and Sir L. Gardiner was an experiment deserving a fair trial, and, at the time, it probably secured a joint consideration of the subject, which led to further and more workable developments. On such a point the opinion of a high-minded and accomplished man of the world like the late Sir H. Lynedoch Gardiner is well-nigh conclusive. Still, this is not the plan which has recommended itself to those who recognise the valuable pioneer work done by Sir L. Gardiner and his friends. In the three East End unions—Stepney, Whitechapel, St. George-in-the-East — co-operation between guardians and charities has meant a well-defined and absolute division of labour (*i.e.* adequate institutional relief by the guardians, and adequate domiciliary relief by the charities). Even in unions like Paddington, where the guardians still continue to give a certain amount of out-door relief, the rule to relieve an applicant, entirely and of course adequately, from one source and not from two sources is accepted. The wisdom or unwisdom of the course pursued does not turn on any theoretical consideration, but rather on

the practical question, Which plan best prevents unnecessary duplication of work, and which tends most certainly to a reduction of out-door relief and the demoralisation which, as all are agreed, invariably attends it?

In the case of the aged, and persons in need of permanent relief (the instance adduced by Sir H. Lynedoch Gardiner[1]), the practice of the charitable agencies endeavouring to co-operate with the Poor Law was as follows.

The guardians, it was found, were not willing to relinquish their patronage. They knew, in a general way, that their allowances were supplemented by charitable gifts, and they were willing that, in some cases at all events, the amount of these gifts should be definitely ascertained, and that each contributory to the pauper's income should know what the other was doing. This being the attitude of the board, there was no purpose in withdrawing any special class of applicant from the Poor Law. The guardians were,

[1] It was a remark of the Poor Law Commissioners that the bane of all pauper legislation has been the legislating for exceptional cases. Thus, as already recorded, the intelligent Mr. Poulett Scrope wished exceptionally favourable terms for the able-bodied. Here General Sir L. Gardiner assumes that chronic cases are those for which the Poor Law must be stretched. Mr. Vallance always argues that the chronic cases can be more adequately dealt with by charity, but that, as charity requires some time for its organisation, certain temporary cases have a stronger claim on the law. This has been the practice at Bradfield, where widows in the first months of their bereavement have seemed to have especial claim on the law. Recent controversy on old-age pensions shows that the common politician regards the disability of old age as the visitation of Providence for which the poor are most unable to provide. Professor Fawcett, in his book on Pauperism, thought that the benevolent ladies who were forcing on boarding-out of pauper children were making an exceptional class of children, and, indeed, the whole attitude of the law has been to make the treatment of children, and also of sick persons, an exception to the rule that the condition of the pauper should be less eligible than that of the independent. Finally, there are those who, reverting to the opinion of Mr. P. Scrope, wish the Poor Law to find work for the unemployed near their own homes at trade-union wages. It is not therefore surprising that though out-door relief is said to be exceptional, the proportion of the exceptions to the rule is still nearly 3 to 1.

above all things, desirous of granting relief to what they called the "deserving poor," but, as Sir L. Gardiner pointed out, they were not going to waste the ratepayers' money in giving "ultra-adequate" relief (*i.e.* on the "all or nothing" principle adopted by the friendly societies). Accordingly, in every case which came before the charitable societies for a permanent allowance, their first step was to see that the largest amount usually given by the guardians in similar circumstances was first obtained; the organised charities then took it on them to make up the pensioner's income to the level of adequacy.

This practice has been generally condemned as vicious by subsequent experience, for the sufficient reason that it does nothing to contract the advertised endowments of pauperism.

It is now generally accepted as the better opinion that there should be a complete and mutually exclusive division of labour between the Poor Law and charity. At the same time, it is fair to the advocates of this earlier experiment to point out that the difficulty described by General Gardiner has, in the unions where out-door relief is still given, been evaded rather than solved. Charitable societies, such, at all events, as are administered by persons animated by any vestige of civic conscience, will not now as a rule supplement the inadequate allowances of the poor-rate; but in the great majority of unions there is absolutely no principle of division between those deserving applicants who by the guardians are thought suitable for out-door relief, and those who by the charitable agencies are, for similar reasons, thought suitable objects for charity. If, as they intend, all "deserving" persons are relieved by the guardians, there is no need for charitable expenditure,—unless, as Sir L. Gardiner argued, it is given to supplement the avowed inadequacy of the Poor Law allowances. This argument, though advanced in support of

his own contention, the gallant colonel would certainly have repudiated. The difficulty is a very real one, and in those unions where guardians are eager to exercise the patronage of out-door relief their action is practically prohibitive of a satisfactory division of labour between the Poor Law and charity.

In truth, however, none of these arguments are theoretical. Sir L. Gardiner's attitude was intensely practical. Let us get the guardians to meet the charitable representatives and discuss the situation as a preliminary step to taking the road which leads to the abolition of out-door relief. Let us, rather, another section of the reformers argued, wherever we find a board of guardians willing to take a conscientious view of their duties, but not willing to give up out-door relief, urge on them to see that their relief (with other sources of income) is adequate. This condition requires very careful consideration, and very properly throws on the Poor Law administrators the onus of estimating the other sources of income. In very many instances there is nothing but the applicant's statement, and guardians know that this is generally an understatement. If the strict rule of adequacy be insisted on, the guardians must, however, prove the understatement. If a pauper states that his or her resources are nil, and the guardians suspect that they probably amount to 2s. or 3s. per week, they must prove this to demonstration or accept the pauper's statement.

An observance of this rule became an extremely practical measure in more than one union. The duty of the guardians to give adequate out-door relief, or, in all doubtful cases, to give the obviously adequate relief of admission to one of their own establishments, was a consideration more effective than any other in the reform of the Stepney union, which took place about this time. The guardians of this union resolved that no out-door relief should be given except to

persons whose income from all sources amounted to 7s. a week. If, therefore, the pauper could not, or would not, disclose other sources of income, and if the guardians could not discover the existence of any, they were obliged to give the full adequate allowance of 7s. a week. As the Islington board of guardians had remarked, no body of ratepayers could stand expenditure on this scale, and the number of out-door paupers was at once reduced to very small proportions, — so small, indeed, that the organised charities of the district were able to come forward and deal with all such applicants from their own funds. The guardians were thus able to make uniform their practice of declining to give out-door relief.[1]

In Whitechapel also, on one occasion at all events, the argument proved of a decisive character. A poor woman who was in receipt of an utterly inadequate out-door allowance was found by a coroner's jury to have died of starvation. The application and report book was turned up, and there, in the column headed "The present weekly earnings or other income of applicant, and family dependent on him or her," the entry in black and white was "none." The chairman of the board was naturally much disturbed, and sought the advice of Mr. Vallance, the newly appointed clerk of the union, who was beginning to indoctrinate his board in the principles of reform. The incident afforded an opportunity of pressing home to the mind of the chairman of the board the argument with regard to adequacy.

It was no answer to public criticism for the guardians to say, that although the pauper had declared herself destitute, the guardians knew that all such statements were exaggerations. In their inability

[1] See "A Paper on State and Charitable Relief in Stepney Union, 1869–88," read by Mr. John Jones at Limehouse Town Hall, 20th April 1888. Mr. Jones was for many years relieving-officer in the union.

to disprove her statement they had entered it on their books, and had relied on the general allegation that paupers never fully disclosed their resources. If, as is probably the case, this general allegation is well founded, it would justify guardians in refusing out-door relief, because of the impossibility of estimating the proper sum to be given, but the present miscarriage of administration was proof that it would not justify guardians in giving relief by guess-work, for in some cases, such as in that under consideration, the guess would be altogether wrong. This argument and illustration made, Mr. Vallance has told us, a great impression on the mind of Mr. Brushfield, at that time chairman of the Whitechapel board, and was not a little helpful in determining the board to adopt the policy of reform.

The conclusion which, as Miss Octavia Hill complains, was not fully appreciated by her colleagues, is a supplemental proposition to that which we have endeavoured to establish from a totally different point of view.

We have endeavoured to show that our system of legal relief is historically a survival of the principle of feudal status, and that consequently it cannot be a principle of social construction in an era based on contract and exchange. Miss Hill, influenced by considerations of enlightened benevolence, and by a close observation of the motives and character of the poor, deliberately comes to the conclusion that the relation of public alms-giver and alms-receiver, even when established with the best of motives, is apt to be demoralising to both. Personal influence in every relation of life is, of course, one of the most powerful instruments of social movement. There must therefore be something radically unsocial, uneconomic, in the worst sense of the term, latent in the principle of public relief, if even the personal superintendence of devoted men and women cannot altogether rob it of its poison. The

very guarded approval which she gives to the plan of allowing her visitors to mix themselves up systematically with the business of public relief is more than neutralised by the strong and unflinching statement of faith contained in the concluding paragraphs above quoted. Her subsequent practice and advice emphasises her conviction even more forcibly.

There is, and perhaps must always be, a certain amount of public relief to be done; but it is best done by those who have a profound conviction, that though relief is necessary to prevent the public scandal of unrelieved destitution, the main constructive influences which must create for the poor a life worthy of the ideals of modern civilisation are injured, rather than advanced, by even the very best system of public relief.

If a man's practical sympathy with the poor is not satisfied by taking a part in a restrained system of public relief, the only system which intelligent criticism can regard as useful and safe, other fields of work are open to him. The value of Miss Hill's work among the poor consists in this, that, without any irritating accompaniment of controversy, she has by precept and example induced a large number of persons to leave the barren unproductive work of relief, and to acquire and use personal influence in helping the poor to learn the various branches of the art of thriving. The band of visitors which she has organised are now, by rule, precluded from administering relief. The special form of work among the poor which will always be associated with Miss Hill's name is the management of working-class dwellings in large towns. The nominal connection of her visitors with their districts is that they are rent-collectors. The weekly visit of the landlord's agent is thus made the basis of more intimate relations. Without any unctuous philanthropy, the periodical visit of educated men and women to a number of homes of the

very poorest class affords many opportunities for an interchange of courtesy and advice. The large reformation which is hoped for in the lives of the poor is not to be brought about by heroic measures of relief, but by the detailed discharge of innumerable trifling responsibilities which severally are unimportant, but which cumulatively represent a complete social revolution.

The suggestion therefore made by Sir L. Gardiner, that charitable persons should be employed as assistant visitors to the relieving-officers, though useful at the time, has resulted in a conviction that the highest work of charity should be altogether distinct from legal relief, and that co-operation in this matter must be by division of labour. Further experience throws much doubt on the idea that the poor are benefited by having a large number of assiduous visitors haunting their homes with the purpose of finding out suitable objects for relief. The better attitude of the visitor, it is now conceded, is rather to encourage the poor to endure and to overcome their difficulties, and only in the last resort to advise them to apply for legal or charitable relief. This leads to a further conviction that one of the principal elements in a successful administration of public relief is the existence of a spirit of moderation on the part of the poor. Legal relief, unless protected by some automatic test, is a wide advertisement and invitation to the poor to abandon this attitude of moderation.

Troops of visitors searching for suitable objects for relief have the same effect. Personal influence should rather be applied in fostering the natural moderation of the poor. So it has come about that, starting from the same ideal, and regarding themselves as the successors of this early pioneer movement, the later propagandists of this school have advocated the practical abolition of out-door relief, an abstention

from relief-administration on the part of those who are prepared to make the largest sacrifice of time and trouble on behalf of the poor, a quiet and unostentatious administration of charitable relief by persons who undertake the responsibility of the domiciliary relief of the poor in a given district, in order that the Poor Law guardians may be induced to confine themselves to institutional or in-door relief. This policy further directly implies that with the restriction of rate and subscription charity there will be a great development of the natural kindly offices arising out of the ties of relationship, neighbourhood, and former service. Occasionally it is possible for an organiser of charity to be a medium of communication between persons who are anxious to recognise private claims of this character and the objects of their bounty; but for the most part such "natural affection" does not require to be called into operation by the intervention of a stranger.

This reflection, however, opens up a further controversy which even now is not decided, and it is impossible to say how and in what direction, in furtherance of the main object of dispauperisation, the views of reformers may be developed. The position now is that, in unions where the guardians are willing to confine themselves to giving institutional relief, the charities of the districts require an organised centre through which domiciliary relief can be administered. This would not be necessary if the affection arising out of kinship and neighbourhood and former service was exercising its natural influence; and in country districts reforming boards of guardians have not thought it necessary to have any formal organisation of charity, that provided by the natural instincts of human nature being, in their judgment, sufficient. In towns, however, the party of reform believes that it has derived much support from the existence of a local charity

organisation committee. The grounds of this belief are not thoroughly understood.

Where there is a conviction, but not a strong conviction, on the part of the guardians that the ordinary administration of out-door relief is a great hindrance to the progress of the poor, undoubtedly the assistance of organised charitable action is most valuable. Waverers among the guardians have been confirmed in their policy by the knowledge that they were supported by charitable effort; but it is worthy of notice that the unions which have carried their reform to the greatest extreme made the change in administration before the work of the Charity Organisation Society was consolidated. In other words, the successful organisation of charity has been the result rather than the cause of Poor Law reform. Again, there has not always been any very real organisation of existing charity, but fresh funds to a limited extent have been raised and used by the Organisation Societies to support the policy of the guardians. The question suggested by this fact is: If there had been no definite organisation created to support the guardians' policy, would not the existing charities naturally and automatically have been more or less compelled to fall into line and administer their funds in a concerted manner? Much, of course, depends on the course of public opinion. It is, however, quite conceivable that the present Charity Organisation Society may follow the same line of development as Miss Hill's little band of visitors. The progress of the society is at present much hampered by the fact that it has secured a large number of devoted workers whose connection with relief has assimilated them to the visitors conceived in Sir Lynedoch Gardiner's recommendation, and that the evils predicted by Miss Hill have to a certain extent overtaken them. The time may not be distant when the society will recognise that its business with regard to relief is to leave a rear-

guard, comparatively small in number,—persons of experience rather than of enthusiasm,—to support the guardians in places where the guardians are inclined to reform their procedure, and, for the rest, to direct the main body of the benevolent public to constructive work, which must be kept altogether distinct from relief.

One other controversial point is raised in Sir Lynedoch Gardiner's Memorandum, and calls for some remark. He says, and his contention, being obviously moderate and conciliatory, has been generally accepted without criticism, that the process of reform must be a gradual process.

Unfortunately, however, a law is not a thing which can be gradually reformed; it must either remain in force or be repealed, that is, reformed altogether. Public opinion may, of course, persuade guardians to make gradually a less extended use of their powers, but experience seems to show that generally, if not universally, the resolution of guardians to introduce changes gradually has amounted to very little.

In almost every case of reformed administration, notwithstanding statement to the contrary, salutary changes have of necessity been adopted peremptorily as the result of a definite resolution or a definite but not formally recorded change of view on the part of the guardians; and it will be found that the perseverance of the board in reformed administration has been proportionate to the peremptoriness of the determination under which the change is made. Thus the most obvious means of introducing so-called gradual changes is by adopting a set of rules. The rules passed by a board have, however, no binding effect, and innumerable instances might be brought forward where rules have been adopted and absolutely no attention has been subsequently paid to them. In many instances, of course, such rules have been observed, but even here

it is important to notice that the term gradual is somewhat out of place. If a rule, involving even a very limited change of policy, is observed, its operation is peremptory and not gradual. If, and this is really the sense in which the term has been used in this connection, the rule is limited and not absolute, admitting many exceptions, and requiring, therefore, to be administered by persons who are in agreement with its policy, it is obviously much more difficult to maintain than when it is absolute. There is a tendency, when cases are discussed on what is termed "their merits," for the exceptions to become the rule, especially when there is a strong hostile minority whose object it is to increase the number of exceptions. This has been the experience of many boards of guardians, which, after acting on rules for a period, have, on the retirement of those who devised the rules, slipped back into the old indiscriminate practice.

Certain administrations have attained in practice to an absolute disuse of out-door relief, some arriving at this policy step by step; others, and probably the more numerous section, by one more or less peremptory resolution. Such unions appear to have more stability than those which have never pushed their reform to the extent of adopting an absolute peremptory rule. In Birmingham, Manchester, and in Paddington, in all of which places guardians of superior education and social position have been available, elaborate rules have been acted on for many years, and with considerable if not complete uniformity. In the poorer parts of London, however, the boards have been composed of small tradesmen, with a certain leaven in recent years of local political aspirants, many of them illiterate and ignorant men, and often by kinship, former acquaintance, and desire for their political support, too nearly related for strict impartiality to the paupers whose maintenance they have to superintend. The only way

with such a board to prevent the abuse of out-door relief has been to induce them by some means or other to abjure this form of patronage altogether. A gradual reform of administration, depending on a decision on principle in a vast series of individual cases considered on "their merits," would, in the poorer districts of London, have proved impracticable. This question, however, like the others to which we have alluded, is one of practical detail; there is really no difference of theory between the votaries of two different policies of carrying out one and the same reform.

To conclude this portion of our narrative, it may be mentioned that St. George-in-the-East is the most marked instance of a reform carried out suddenly and at one stroke.

The following account of what happened in St. George-in-the-East is given by Mr. A. G. Crowder,[1] the gentleman to whose influence the change of policy was there due.

Mr. Crowder had been a member of the Marylebone committee of the Charity Organisation Society, where the experiment above described had been tried, but the plan of operations which the guardians of St. George-in-the-East, at his suggestion, adopted was somewhat different.

"When I became a guardian of this parish in January 1875 I was aware of what was the most enlightened opinion on the subject of out-door relief, and fortunately I found my colleagues inclined to take the same view. On 1st January 1875 the number of paupers in St. George-in-the-East (population about 47,000, and the district as poor as any in London) was 3047; of these, 1248 were in receipt of in-door relief, and 1799 of out-door relief. The guardians

[1] Statement of Mr. A. G. Crowder, guardian of the poor, etc., for the information of the House of Lords' Select Committee on Poor-Law Relief, 1888.

suddenly set to work to revise their out-relief list, with the result that on 1st January 1876 the numbers were—in-door, 1258; out-door, 548; total, 1806."

After describing the principle on which they worked, he continues: "Believing, as I did, that the wisdom of the course pursued was fully proved and established by the authorities on the subject, the only question for me was to consider whether a sudden change was possible without inflicting undue hardship on the poor. The steps which I took to satisfy myself were as follows. I attended regularly the relief meetings of the board, and I carefully entered in a notebook the seemingly hard case. I waited a week or two, and then personally visited the homes of these people. What I saw satisfied me that the hardship was not great. . . . In many instances the guardians had been imposed upon, and the people were better off than had been supposed; in others, relations, friends, or the charitable had come forward, especially in cases of widows with children, and sick cases; in others, energy had been aroused, and better work obtained; very few had migrated into laxer districts, and those who had did not obtain out-relief, as they would not have been eligible under a year's residence; and comparatively few, about one-third, had accepted the test offer of the workhouse pauper schools. . . . At the time when the new departure was taken I was (and am still) an active member of the local Charity Organisation Society. I was constantly in the parish visiting the people, and in frequent communication with the relieving-officers and many of the clergy and their workers, and if there had been been any great suffering I should certainly have heard of it. Our Charity Organisation Committee is now a thoroughly efficient one, and prompt in its action; it works in close daily co-operation with the Poor Law officials, and does much to strengthen the

hands of the guardians. At the time of the change, however, the voluntary agencies of the district were by no means fully organised, and our present more complete arrangements could never have been developed if the Poor Law authorities had not taken the first step. I do not therefore myself believe that sound administration of the Poor Law need depend on the co-operation of charity, though no doubt such co-operation is valuable where it can be obtained."

The strict policy which was begun in 1875, as above described, still continues. An account of the Poor Law elections in St. George's and elsewhere would be interesting and amusing reading, but it would be out of place in these pages. It may be mentioned, however, that one year a party of Socialists stood on an out-relief programme, but obtained no support. Last year (1898) a much respected High Church clergyman, whose views of relief are those of a mediæval monk, and one lady professed themselves anxious to revert to the old out-relief policy. They were elected, but up to the time of writing no change has been made. The subject seems to be one about which the middle-class philanthropist can lash himself into a great state of fury, and possibly can communicate some of his heat to his poorer neighbours; but for the most part the Poor Law elections are only regarded with interest from the light they seem to throw on the relative strength of political parties, and rarely turn on questions of Poor Law administration. The situation is admittedly extremely precarious, and has been so for the greater part of the twenty-three years of its duration.

Meanwhile the poor in St. George-in-the-East have ceased to think about out-door relief, and the advocates of a reactionary policy on the board have not yet made sufficiently active canvass to produce any number of applicants. This may come; and as, with

the exception of one or two convinced adherents of the reformed system, the guardians have no recollection of the abuses of 25 years ago, and consequently no profound convictions on the subject, it is very possible that, sooner or later, there will be a relapse into the old abuses.

CHAPTER XXIII

DISPAUPERISATION—*continued*

The literature of the subject contemporaneous with the foregoing administrative action—Dr. Stallard's *London Pauperism*—Fawcett's *Pauperism: its Causes and Remedies*—Pretyman's *Dispauperisation*—His suggestion that Poor Laws create more destitution than they relieve—The illustration of Scotland—The encouragement given by the Local Government Board to a stricter policy—The gradual relaxation of its efforts—Reaction, its causes analysed—Difficulty of dealing scientifically with social disease, through a popular and uninstructed electorate—Mr. Shelley, A.O.F., and Mr. Burns, M.P., on out-door relief—Old-age pensions—The disappearance of Liberalism—The problem of the future.

Thus in the years 1865–75 the public interest, now that the question of union chargeability was settled, began to concentrate on a discussion of the adequacy and dispauperising effects of different methods of administration. A certain convergency of opinion as between the Poor Law Board represented by Mr. Goschen and Mr. Stansfeld, the guardians and the philanthropic public, has been made apparent. Other influences of less official character combined to influence public opinion in the same direction.

Within the same period a considerable amount of literature on the subject was offered to the public. In 1867 was published Dr. J. H. Stallard's *London Pauperism amongst Jews and Christians, an Inquiry*, etc. It is a work of considerable personal research. His conclusions seem to be of little practical value, but some of the facts which he brings out are of much interest. He institutes a comparison, very much to the disparagement of our Poor Law system, between its

methods and those followed by the Jewish board of guardians, who administer a charitable fund subscribed for the poorer Jews by the richer members of the community. In the Jewish problem there are many exceptional features which make it dangerous to draw too close an analogy. Centuries of isolation and persecution have developed in the Jew an almost miraculous economic vitality. In England, at all events, they never became part of the territorial system; and, as they reaped no benefit from the 43 Elizabeth, cap. 2, they never sank into the parochial servitude in which that law inevitably overwhelmed the native population. We may remember also that the Rev. Thomas Whately reformed his parish without the aid of a workhouse. The Jew is at least as business-like as he is charitable, and though he has no means of applying a test he, like Mr. Whately, has been able to some extent to prevent imposture and malingering by other means. Even the Jews, however, of recent years have been obliged to discuss the question of providing a test of destitution. The Jewish community, moreover, is a sort of national trade union. Public feeling among the community to a large extent prevents imposture. The funds dispensed are charitable funds, and the board is not confronted with a destitute class claiming relief as a right.

A system of relief which is fairly successful under such conditions, and in a community bound together by a recollection of bygone persecution, is utterly inapplicable to the distribution of a rate-collected fund among the English people. The whole history of the Poor Law has proved this.

Like Sir Lynedoch Gardiner, Dr. Stallard was anxious that the Poor Law should utilise the services of a large body of voluntary visitors. Like other observers, he noted the gross inadequacy of out-door relief as administered by London boards of guardians,

and attributed it to what we believe is the proper cause. He shows that in the City of London, which has a small number of poor residents and a gigantic rateable value, the out-door relief allowed was on the most liberal scale, namely, an average weekly allowance of the miserable pittance of 2s. 4½d. per head. The action of the City guardians involved nothing more than a rate of 8d. in the pound, while in Whitechapel the average weekly allowance was 8d., and the poor-rate was 3s. 3d. The inadequate relief given in Whitechapel was due to the inability of the ratepayers to give more; while the princely munificence of the City, which gave 2s. 4½d. per week to its paupers, is attributed rather to the long purse of the negligent ratepayer than to that true philanthropy which some are disposed to see in a liberal distribution of out-door relief. Dr. Stallard's remedy was a metropolitan rate.

Unlike Sir L. Gardiner, he does not look forward to a diminution of out-door relief; on the contrary, he wishes to increase it, thinking that the system will be sufficiently protected from abuse by the introduction of the voluntary supervision characteristic of the Jewish system. The need of dispauperisation is apparently ignored in Dr. Stallard's view. The book, however, had its value: it drew attention to great abuses of legal charity, and to the superior reformative efficiency of personal and volunteer work. The proposal to combine the two in the way suggested was not practicable, and it was left for others to indicate more successfully the lines on which a remedy was to be sought.

More important was the publication in 1871 of *Pauperism; its Causes and Remedies*, by Henry Fawcett, M.A., M.P., the substance of a course of lectures delivered at Cambridge in the October term of 1870. Mr. Fawcett's successful academic career, his blindness, his outspoken and independent Radicalism,

and his recent election for a metropolitan constituency, all combined to give weight to his opinions on this subject. The book is not an exhaustive treatise on pauperism, but it was the only popular work which had appeared on the subject. If revolutionary reconstructions of property were essential to the interests of the poor, Mr. Fawcett was not the man to shrink from saying so. His opinions therefore had the more effect when his reasoning led to a vindication of the existing constitution of society and a vigorous and uncompromising exposure of the mischievous character of that sentimentality which sought to make pauperism an eligible condition of life.

He begins by assuming that some poverty is avoidable, or, as he terms it, voluntary. It would perhaps be juster to say that poverty is the original condition of mankind, and that all men and all classes of men have opportunities of escaping from it if they can learn the arts of thriving.

The gravamen of complaint against the Poor Law is that it suggests a spurious method of escape. The term voluntary pauperism seems to convey a moral appreciation which is out of place. Pauperism is voluntary in the sense that motives which might have rescued the victim have been tampered with by an ill-considered law. With regard to this condition, designate it as we will, he says: "It will be one main object of these pages to prove that the leniency and want of firmness with which it has been treated may probably be regarded as the most powerful of all the agencies which have produced the widespread distress which affects even the most wealthy countries."

After describing the evils of the old Poor Law he passes to speak of the present Poor Law system, and continues: "We shall now proceed to show that this change" (*i.e.* the institution of the workhouse system) "indicates the direction of all Poor Law reform, and

that our aim should be by gradual steps to discourage and ultimately to abolish out-door relief. Whilst out-door relief continues to be granted the position of those seems to be unanswerable who maintain that the evils inflicted by our Poor Law greatly preponderate over any advantages that can result from it." And again: "Further investigation will, I think, show that the chief reason why our Poor Law system continues to work so unsatisfactorily is that the Act of 1834 placed no effectual check upon the granting of out-door relief." Then, after recounting some of the evils resulting from the actual state of the law, he sums up: "Enough . . . has been said to establish the conclusion that it would be far better altogether to abolish the Poor Law than that the present state of things should continue. But before deciding in favour of a change so fundamental, it is necessary very carefully to inquire whether it is possible so to change the mode of granting parochial relief as to obviate the greater part of the mischief produced by the present system. The opinion has been already expressed, that if out-door relief were not permitted the chief encouragement now given to improvidence would cease to operate, and that pauperism would be much more effectually checked than if the poor were entirely left to voluntary charity and to indiscriminate almsgiving."

His verdict is that a Poor Law deprived of the power to grant out-door relief is a preferable plan to a system of charity which must inevitably be indiscriminate. More than once, however, he gives his opinion that "it would be better to abolish the Poor Law than allow the present system to continue unaltered." The proportion of out-door paupers to in-door, he states, was at this date 8 to 1.

His third chapter is devoted to an exposition of the Malthusian theory of population in its relation to pauperism. We have already noted how Mr. Chadwick

had attempted to prove the irrelevancy of the Malthusian argument that poverty, and consequently pauperism, was the result of over-population.

The proposition that population (*i.e.* labour), properly distributed, means wealth, and not poverty, is absolutely true, and, as Mr. Chadwick argued, the principal obstacle to a proper distribution of population has been the old Poor Law. Mr. Fawcett's language appears to be a return to the larger indictment which Mr. Chadwick thought had been disproved by the inquiry of 1832–34, but the distinction insisted on by Mr. Chadwick really emphasises and supports the thesis of Mr. Fawcett.

The lower stratum of the English labouring class is the only class in English society every member of which thinks him or herself justified in marrying and undertaking the responsibility of a family, under conditions entirely proletariate. The idea of the necessity of private property as a preliminary to this step is not universally recognised. Mr. Fawcett's argument is, that this attitude of responsibility is largely the result of the Poor Law. We should prefer to put it that it is the result of the condition of status of which the Poor Law is the last survival, and from which the poorer classes of the country have never yet been fully emancipated. We have already noted how the settlement laws, and the want of enterprise produced by the guarantee of a parochial maintenance, tended to congest population, and to inflict on it a certain economic incompetence, in spite of the distributing influence of expanding trade. Here, according to Mr. Fawcett, is yet another untoward result mainly produced by our Poor Law arrangements, namely, that the most prolific birth-rate is found precisely among those members of society who have the least means of supporting and giving a fair start in life to their children. If this recklessness is a policy of despair,

that despair is not warranted, and is only adopted because the Poor Law gives it a tacit approbation.

This acquiescence, not of individuals but of the majority of a whole class, in the custom that the possession of private property may be dispensed with by those who assume the responsibility of a family, is a complete denial of the principle on which the well-being of modern society rests. The expansive power of our industrial system, great as it is, cannot cope with so widespread a revolt. Labour is more valuable and more saleable than it ever was, but if whole classes by custom and habit neglect the duty of capitalising, and resist the labour-distributing power of free exchange, resting content in the immobility of pauper status, population will show a tendency to become congested, and in places to increase more rapidly than the stock by which the able-bodied population is employed, and more rapidly also than the savings by which the sick and the old are maintained. Mr. Fawcett is therefore justified in arguing that too favourable conditions of pauperism, among which he includes the boarding-out of pauper children and free education, tend to a congestion of population which is not to be distinguished from over-population. We reconcile his statement with the truth set out by Mr. Chadwick, by the qualification that a population whose primitive instincts of irresponsibility are fostered and preserved by the legal endowments of pauperism is, in the most dangerous sense of the term, a surplus population. As Mr. Spencer has put it, it is a population fed and educated in one direction, while in another direction it is taught the reactionary creed that personal responsibility and economic competence are unnecessary qualities.

There was little in Mr. Fawcett's book that had not been said in the official documents of the Poor Law Board. But there was something extraordinary in the spectacle of a popular politician taking an honest and

out-spoken line about the Poor Law. It was this circumstance, more perhaps than its intrinsic merit (it does not profess to be more than a fragmentary essay), which enabled it to make an undoubted impression. For many years Mr. Fawcett's book was the text-book placed in the hands of students, and it is a misfortune that it is now out of print.

A fuller and more elaborate treatise on the subject was in 1876 published under the title, *Dispauperisation*, by J. R. Pretyman. A second edition was issued in 1878, and attracted, as it deserved, considerable attention. The author goes a step further than Mr. Fawcett, and though their practical views are identical, theoretically he joins issue with the earlier writer, and would prefer a system of charity to any form of legal relief. He thus adopts the general condemnation of all Poor Laws, of which Dr. Chalmers was the most distinguished exponent. The issue thus raised, though in form theoretical, is really of great practical importance. The probable evil effects of public charity left to cope with public distress unaided by the law assumed much importance in the view of Professor Fawcett. The same argument is used by Mr. Mill, in his work on Political Economy, and by Mr. James Bryce, M.P., in a paper read at the South Midland Poor Law Conference at Northampton in 1876. Further, as we said, the Poor Law Commissioners got into trouble with Sir R. Peel for an unguarded and misunderstood expression of this view. The considerations which influenced Mr. Pretyman in adopting the contrary opinion are that a system of charitable relief, even when most indiscriminate, has a far less exciting influence on the imagination and the character of the poor than the normal methods of Poor Law administration. This explains the well-known fact that a charity organisation committee, that has undertaken to provide the necessary out-door relief in a union where

the guardians have determined to discontinue out-door relief, need have no apprehension that applications for this form of relief will be as numerous as those formerly made to the guardians. This has been the universal experience. Thus in 1871 the guardians of St. George-in-the-East were giving nearly £9000 a year in out-door relief. After the change of policy the expenditure of the Charity Organisation committee for an average of years was about £600 per annum, and much of it money that was already being given away in the period of lax administration. This reduction does not represent a great many refusals ; on the contrary, it is the result of a diminution of applications. No part of the reform is more satisfactory than this. The natural repugnance of the poor to give up their independence, under such conditions, exerts a legitimate influence which had disappeared under the more insistent offer of dependence held out by the Poor Law. The poor, it is the universal experience, make their claims on a charitable fund, if it is protected by the most ordinary vigilance and care, in a spirit of great moderation.

Again, and this is a point which is commented on by an intelligent French critic of our English Poor Law, M. Emile Chevallier, the inexhaustible nature of the poor-rate has had, both on administrators and recipients, a deleterious effect. When the fund at the disposal of the administrators of public relief is known to be limited, the power of the poor to help themselves, and the moral responsibility of the benevolent, are placed in a more satisfactory light.

These considerations, along with others, have seemed to warrant a peremptory but limited curtailment of the law's operation. So far all are agreed. Mr. Pretyman, as we understand it, complains that Mr. Fawcett has unnecessarily and illogically limited the point at which the substitution of charity for legal relief shall

cease. It does in truth seem to us to be unnecessary to say what we shall do under conditions which are still far from being fulfilled. Mr. Pretyman would be quite justified in arguing that when Mr. Fawcett's condition, the abolition of out-door relief, is accomplished, the amount of dependence on the poor-rate will be a constantly diminishing quantity, and that a total abolition of the Poor Law may then be a practical question. Decision on such a point should not, he seems to argue, be prejudiced by a premature and illogical declaration, to the effect that while out-door relief from the State is a vicious principle, in-door relief from the same source is salutary. The first is undoubtedly a greater restraint on the "Entwickelung der Freiheit," but it is a question not to be answered hastily or prematurely, whether human nature is capable of dispensing with both. It is a perfectly conceivable theory, that all public relief might be provided from voluntary sources, and if it is possible there can be no doubt it is desirable.

Mr. Pretyman points out what is undoubtedly true, that neither charity nor legislation can altogether prevent the suffering of individuals. He reminds us of a remark of Dr. Johnston, who, speaking in the year 1779, with reference to the state of the poor in London, relates as follows: "Saunders Welch, the justice, who was once the High Constable of Holborn, and had the best opportunities of knowing the state of the poor, told me that I underrated the number when I computed that 20 a week, that is above 1000 a year, died of hunger,—not absolutely of immediate hunger, but of the wasting and other diseases which are the consequence of hunger." This, of course, was at a time when a lavish Poor Law was in full force, and, in the present day, coroners' juries from time to time bring in verdicts of starvation in the case of persons who actually are receiving relief from the guardians at the date of their death. "Poor Laws," he says, so far

from preventing starvation, only increase the chances of it." The expression is a strong one, but there can be little doubt that the proletariate habit which obtains so largely throughout the poorer classes of this country is the cause of much suffering which it is not in the power of the Poor Law or any other agency entirely to relieve. The principal cause why this proletariate habit still lingers among an industrial population is undoubtedly the Poor Law.

Human progress is not achieved without suffering, and not infrequently, as is alleged in this case, remedial measures cause more suffering than they relieve. An apt illustration of this truth may be found in the Poor Law history of Scotland. Previous to the introduction of the Poor Law system into Scotland public relief was given very parsimoniously, and, as we should now say, inadequately. It made, however, a larger call on the thrifty instincts of the people than the English Poor Law, and there can be little doubt that the proverbially thrifty character of the Scottish peasantry has been due to the fact that the relief of the destitute was for long confided to a limited charitable endowment, and not to the poor-rate. If this attribution of cause and effect is correct, it is an illustration of the converse of the principle that Government intervention means organising in one direction and disorganising in another; in this case the abstention of the State allowed the automatic organisation of thrifty habit. Government intervention was here for long delayed; there was probably some unrelieved suffering, but it was accompanied by a growth of competent economic character which has proved a better barrier against the evils of poverty than all the compulsory poor-rates that ever were levied. Now, a compulsory poor-rate is put at the disposal of the Scottish poor. It does not, and no Poor Law ever can, alleviate all the sufferings of the destitute, and it does much to counteract the working

of those forces which make for a permanent escape from poverty. It is in this sense, and in virtue of these considerations, that Mr. Pretyman, and those who think with him, protest against the assumption that a compulsory Poor Law is a necessary and unavoidable element in civilised society.

The foregoing is a summary of the propaganda adopted by those who may be termed the advocates of dispauperisation.

During the next few years the effect of this public discussion made itself felt in the Poor Law administration of the country. This is noticed with some elaboration in the Sixth Annual Report of the Local Government Board, 1876–77.

"We advert," it says, "with satisfaction to the continued decrease in the total expenditure for relief, particularly in the cost of out-door relief, which has taken place since the year 1871." As the result of the circulars of the board, and the admonition of its inspectors, guardians devoted much attention to the subject of out-door relief, with the following statistical result :—

Year.	In Maintenance.	Out-Relief.	Total.
In 1871 . . .	£1,524,695	£3,663,970	£5,188,665
In 1876 . . .	1,534,224	2,760,804	4,295,028
Increase . .	£9,529	...	...
Decrease . .	...	£903,166	£893,637

The reports—Fifth, Sixth, and Seventh Annual Reports, signed by the Conservative minister, Mr. Sclater-Booth—continue to view with satisfaction the results of the policy introduced by his predecessors, but the aggressive attitude towards the abuses of out-door relief seems less marked. Still, if the board did not press forward its reforms, there was no reaction.

It trusts that the above result will encourage those guardians, "by whose strenuous and well-directed exertions it has been attained, to persevere in the same course, and incite others to adopt similar measures."

On 19th July 1876 Mr. Pell brought before the House of Commons a motion condemnatory of out-door relief. Mr. Pell, as ever, was ready to bell the cat, and lead an attack on the *damnosa hereditas* of the governing class of the English democracy. After the recent discussions such a motion had then a better chance of being listened to than had ever occurred before or since. The Government, however, had decided in the negative the doubt expressed by Mr. Stansfeld (see p. 523), whether further legislation was possible. The convictions of the members of the House of Commons were not strong enough to induce many of them to face this unpopular difficulty, and the House was counted out. The line of reform which, as Mr. Fawcett justly remarked, was the logical development of the principle of 1834, remains, it may be said, permanently counted out. As far as parliament is concerned, that terrible engine of destruction, an ill-administered system of out-door relief, must in many cases remain unchecked, unless by some happy but, as things are constituted, extremely improbable chance the local administrators decline to exercise the baneful patronage which has been intrusted to them.

In the following year the Local Government Board was given an opportunity of taking an important step which might have altered considerably the subsequent history of the Poor Law. On 11th January 1877 a deputation from the Central Poor Law Conference waited on the president, Mr. Sclater-Booth, with the request that the Local Government Board should "make such further regulations for the administration of out-door relief, and to introduce such legislative changes, as they may think conducive to the proper

working of the Poor Law Amendment Act of 1834." The deputation made a variety of suggestions, the first and most important being, that boards of guardians should be allowed to stereotype their own better minds, or, in simpler language, to frame bye-laws which, when duly approved by the Local Government Board, should have the force of Orders, until revoked by authority; they also recommended the omission of some of the exceptions to the Prohibitory Order, and the universal issue of the stricter Prohibitory Order in place of the less stringent Regulation Order.

A formal reply was sent to the chairman of the conference, Mr. A. Pell, dated 12th May 1877. The president expresses "his great satisfaction at observing the concurrence of opinion now prevailing in favour of a more rigid and discriminating system of out-door relief, and the great improvement which has taken place during the last few years in the general administration of the law." At the same time, he will not take the action recommended by the conference, but contents himself with pointing out that already Manchester and various metropolitan unions had adopted rules which, though without any binding force, were loyally observed by the boards which had passed them. In fact, he employs the old argument, no legislation is needed,—a Whately will arise in every parish; or rather, he goes even further, and insists that, a Whately having once arisen, a due succession of Whatelys was assured, willing to carry out the rules which the first Whately had made.

He further argues that to allow boards to make their own bye-laws would promote a lack of uniformity. He admits, however, the success of boards which had acted on rules, but declines to allow them to take steps to make their practice uniform. He further declines to issue Orders calculated to make the general administration of the law conform to the

successful experiments followed in various unions. To the absolute and mischievous want of uniformity which obtains, without any technical infringement of the Orders, no illusion is made.

The plan of making the central control a department of the Government was by no means one of unmixed advantage. The Government, even when backed, as it was at this period, by the support of a representative body of guardians, was obviously very unwilling to take up the thorny question of Poor Law reform, or even to exercise the powers confided to it by the Act of 1834. Generally, also, the burden of the rate is not sufficiently heavy to create any great clamour against the abuses of administration. The argument that the present administration is a cause of demoralisation and suffering to successive generations of the poor has no weight with the delegate politicians whose instructions from the constituencies contain no mandate on the subject. Even those who know the facts are powerless.

Notwithstanding this timidity the board continued, in the privacy of its own blue-books, to record with approval the increased strictness of administration in a variety of unions. The Manchester rules, adopted in 1875, so it is reported, have been formally self-imposed in Bolton, Charlton, the Fylde, Garstang, Lancaster, Lunesdale, Ulverstone, Warrington, and Wigan. In the metropolitan district the expenditure on out-relief continued to decline, showing a decrease of £450 for the first week of January 1877 as against the first week of January 1876. In Whitechapel in 6 years the out-door paupers had declined from 2500 to 150. In the same period the out-door pauperism of Stepney had declined from 4000 to 160. In St. George-in-the-East, in January 1875, there had been 1500 out-door paupers; these were now reduced to 150. It was pointed out also by more than one inspector that while the out-door pauperism

had been largely decreased, in many cases there had been a decrease also in the number of in-door paupers. It is worthy of notice that the increase of in-door pauperism which has undoubtedly taken place in metropolitan unions did not begin till the changes introduced by Gathorne Hardy's Act had had time to exert their influence. The increase of in-door pauperism in London is not due to the increased poverty of the people, or to the increased stringency of Poor Law administration, but to the fact that a much larger use is now voluntarily made of the improved accommodation which the law provides for the sick and destitute poor.

The experiment in dispauperisation, based on the arguments contained in the foregoing narrative, has had without doubt a very considerable effect throughout the country. The story of the unions which have followed the policy indicated has often been told. Apart also from these, the average administration of the country has moved slowly towards an acceptance of the theory of the reform. The Poor Law Commissioners, the authors of the new Poor Law, intended that out-door relief should be the exception and in-door relief the rule. In the time of Mr. Fawcett, that is nearly 30 years ago, the instances in which relief was given exceptionally were as 8, to 1 instance in which the rule was observed. At the present time, as shown by the Twenty-sixth Annual Report, the proportion of cases treated exceptionally to those treated according to rule is nearly 3 to 1. The metropolis is the only Poor Law division where the rule is observed more often than the exceptions, and this is due, as we have already shown, not to the firmness of administrators, but to the fact that the in-door establishments have ceased in great measure to be deterrent, and that in many unions the poor prefer in-door to out-door relief.

The following table will show exactly how the matter stood on 1st January 1897 :—

Divisions.	Ratio Per 1000 of Estimated Population.		
	In-door Paupers.	Out-door Paupers.	Paupers of all Classes.
South Western . .	5·9	34·8	40·7
Eastern	6·6	29·3	35·9
Welsh	4·1	28·9	33·0
South Midland . .	5·8	23·6	29·4
West Midland . .	6·9	22·2	29·1
North Midland . .	4·9	23·5	28·4
South Eastern . .	8·2	19·8	28·0
The Metropolis . .	15·5	12·1	27·6
Northern	4·8	17·1	21·9
York	4·4	16·7	21·1
North Western . .	7·1	12·7	19·8
England and Wales	7·4	19·8	27·2

We have already alluded to the reasons which make it difficult in practice to apply the rules of strict logic to the administration of the Poor Law. It would perhaps be rash to assert that the influences hostile to reform are stronger now than they have been at earlier periods of Poor Law history. The forces of opposition are constantly shifting their ground, and it is probable that each generation regards the prejudices of its time as more difficult to overcome than those which, once firmly held, have yet yielded to the force of argument and reason.

The jealousy and impatience of central control had largely disappeared before the year 1875. The Poor Law Commissioners struggled with the local administrators and obliged them to build workhouses, to be used as a test of destitution. The building requirements of the present Local Government Board have now somewhat changed their purpose, and are directed to securing the greater comfort of the pauper, *e.g.* better schools, infirmaries, and isolation hospitals. It still advocates a use of the Poor Law establishments as

a test, but this now seems a secondary consideration. The permanent staff of the board performs its difficult task in accordance with the honourable traditions of the English civil service, but it would be superhuman if it did not display more zeal in that part of its work where it obviously has public opinion at its back; and apparently public opinion is in favour of an ever-increasing expenditure on sick, young, and aged paupers. Both with the guardians who have a large rateable value at their back and with the Local Government Board, the policy of dispauperisation has been swallowed up by a somewhat profuse policy of adequacy. In some few cases the adequate establishments are used as a test of destitution, but, as we have seen in London, the tendency has been rather to create a new kind of pauper, to continue out-door relief on the old lines, and to add thereto relief in a number of more or less eligible asylums.

It will be worth our while, therefore, to consider the ingredients of this reaction in public opinion, which obviously has so potent an effect on public policy. It is a commonplace to say that the conscience of the nation has been deeply stirred by the contrast between poverty and wealth. Philanthropy has become a national pursuit. It is questionable, however, if knowledge has kept pace with zeal. The sympathy which thirty years ago induced persons like Edward Denison, Mr. Fawcett, Miss Octavia Hill, Sir Charles Trevelyan, Sir H. Lynedoch Gardiner, Mr. Goschen, Mr. Stansfeld, and Mr. Sclater-Booth to urge a restriction of the facilities for relief was quite as real and sincere as that of the fashionable philanthropist of the present day. The comparative indifference to the work of dispauperisation displayed by the now normal type of philanthropist is not the result of any reasoned disbelief in its possibility, but rather of ignorance and an indolent lack of serious purpose.

There is an opposition which is in a sense a reasoned opposition to the policy of the reforming school, and from this it is possible, though improbable, that the fashionable philanthropy of to-day derives some of its inspiration. The Socialist creed denies at once the justice and the necessity of the so-called capitalist system. While this lasts, it contends, the poor grow poorer, and nothing short of a revolutionary change in the organisation of society can bring about a happier condition of things. The more reflective Socialist may be aware that his views will not be advanced by extensions of the Poor Law, but with the large number of persons who have a vague sympathy with the Socialist creed the general sense of social injustice and inequality seeks a remedy in attempts to distribute property and other economic advantages by seeking to take the poorer population back to a condition of status, a "plausible" policy which even those who doubt its ultimate expediency find it hard to resist. To this cause must be attributed the keen interest shown by a large class of enthusiasts in developments of factory legislation, State-aid to technical education, pensions for the aged out of the public funds, and other similar and plausible advantages which, though bestowed in virtue of the individual's inability to obtain these things for himself, are not, so they argue, to be in any way considered part of the poor-rate. It is, of course, easy to vote public money to persons in virtue of their economic destitution, and to declare that it is not a poor-rate; but social laws, if such things there be, are not so easily evaded. If the old Poor Law tended to increase and perpetuate a class destitute of maintenance, it is difficult to see how the new social legislation which we are indicating can fail to increase and perpetuate the economic destitution which it is designed to relieve. Nor again, if the old Poor Law was a grievous burden on the economic

activity of the solvent population, is it easy to see how the cost of the new and more popular forms of relief can have a different effect. The controversy is not to be pursued here, it is sufficient to point out that public opinion demands that Government shall steadily increase its regulation of industrial life, and that there is very little disposition to recognise the argument that what it organises in one direction it disorganises in another. The public attitude towards the Poor Law has undoubtedly been much influenced by these considerations, and though no very definite argument has been put forward that the Poor Law can be made a constructive force in industrial life, the public expectation is turned in that direction, and arguments and experiments, familiar, as palpable fallacies, to bygone generations, turn up again, and are welcomed with sympathy and applause. Every tyro in philanthropy is anxious to repeat the old experiments, and unfortunately at the hazard of the character and progress of the poor.

Again, while the popular view, as to what is parasitic and what is not, has largely changed, a somewhat new attitude has been adopted as regards the composition of the controlling authority, and to some extent accounts for the reaction which we are endeavouring to explain.

We have noted how Mr. Chadwick wished to have the Poor Law administered by a body of paid experts; how he recognised the fact that Government services were apt to be ineffective because protected by monopoly; how he therefore urged, in season and out of season, the virtue of selection by competitive examination; how the magistrates were originally retained as *ex-officio* members of the boards of guardians; how in London the Local Government Board was authorised to nominate guardians. This point of view has entirely disappeared. The force of circumstances seems to have

driven Mr. Chadwick's original conception into the background from the very first. The incongruity of intrusting, not legislative, but administrative and, in a sense, judicial functions to an elected board, which might or might not be entirely ignorant of the very rudiments of social economy, was mitigated to some extent by the inclusion of *ex-officio* and nominated guardians. The country has now entered on a period of civic enthusiasm, and by the Act of 1894 *ex-officio* and nominated guardians were abolished. The highest canon of truth is henceforward to be the unbiassed vote of the widest possible electorate. In order that the civic conscience should be more fully informed, the Conservative Government had already enfranchised paupers who received medical relief only. The old theory that the action of the local administrators was controlled by the ratepayers who elected them was further confounded by the operation of the laws which gave the franchise to those who paid no rates, and by the abolition of the plural vote, which formerly increased the value of the franchise of the larger ratepayers. The views of those who are best informed seem still to differ as to the ultimate result of the democratic revolution brought about by the Act of 1894.

It appears that the administration of that extremely vague body of law known as the Poor Law is one which it is very hazardous to intrust to any elective body. Elected judges are admittedly an unsatisfactory legal tribunal. The Poor Law electorate, as constituted by the Act of 1894, is not appreciably more ignorant and indifferent as to any settled principles of administration than was the electorate previous to that date.

Both then and now, if any strenuous agitator took the trouble to rouse popular prejudice there was and is no difficulty in rallying the constituency to a policy of *panem et circenses*. Generally, however, absolute indifference has been the rule with regard to Poor Law elections. Boards in rural unions and in the poorest

parts of London have for more than a quarter of a century been allowed by the electorate to continue in a policy of no out-relief. At any given election, if it had been worth anyone's while to rouse the popular prejudice, a board of a totally different composition might have been elected. This precariousness of their tenure of office is admitted by those who have supported this policy. At the same time, when their administration continues on the same lines as before 1894, they are justified in pointing out that there is no felt hardship in a strict administration. The civic enthusiasm engendered in the last ten years has increased the number of those who are anxious to take part in local administration. Naturally, such persons look round for a "good cry." Some few, with more or less conviction, have discovered the grievance of a strict Poor Law administration, but their efforts have for the most part excited only a languid interest. The agitation on the subject must be strenuous, or it is apt to fall flat. Again, distinguished statesmen have decreed that local elections shall be fought on party political lines. In the unions where a lax policy was followed, both sets of candidates have been in the habit of promising out-door relief, and plenty of it. In the unions where the law has been administered strictly, an attempt, to some extent successful, has been made to keep the subject of out-door relief off the party ticket. The elections in both cases were decided by the strength of the two political parties, as practically both parties put forward the same or rather no Poor Law programme. If one party went in for out-door relief the other had to do so also, and it was only by mutual agreement that the appeal to the delights of out-door pauperism could be avoided.

On an impartial consideration of the subject there does not appear to be much difference in the electorates before and after 1894. Neither the one nor the other

is a highly competent body to elect an administration for this difficult public service. If a policy of dispauperisation is adopted it is generally due to the accident that here and there a strong-willed and capable administrator is allowed to have his own way, and that it is no one's interest to raise the union against him.

The present position may not unfitly be described as a condition of impotence which on the whole is not unsatisfactory. Comparatively few persons are so ignorant and so mischievous as to wish to undo the dispauperisation which has already taken place. The political candidate rarely fulfils his pledges, and though a reactionary policy in some places, as at Brixworth, may be adopted, the average movement is towards dispauperisation.

Among the reformers themselves the question as to what policy ought to be pursued in the interest of dispauperisation is eagerly but, at present, inconclusively discussed.

On the one hand, it is argued that to intrust the powers of the Poor Law to an untrained and ignorant body of men is to court disaster, and that no further progress will be made till, following the precedent of 1834, we oblige recalcitrant boards to follow successful experiments in dispauperisation. As in 1834, this can probably only be done by so increasing the powers of the central authority as virtually to supersede the local administration altogether. Guardians, as originally intended by Mr. Chadwick, would then occupy a position analogous to that of the visiting justices. The question then remains, would a central administration amenable to popular opinion, as every public body must be in a democratic country, prove a more satisfactory instrument of administration than the local authority. The qualification introduced shows the considerations on which the answer must be based. The important

factor in the problem is public opinion. This being so, there is much force in the argument that the subject had better be left in the hands of the local administrations. Some of these would always adhere to sound principles, but a central board captured by a reactionary party would be a national calamity. At present the worst to be feared is stagnation,—progress in one locality being nearly counterbalanced by reaction in another.

It will be agreed on all hands that reform must wait on public opinion. It is the privilege of the statesman to make public opinion. There is, however, a general complaint that at present leading politicians are inclined to abdicate this function. Rather, they are disposed to seek guidance from the voices of the market-place. These generally incite the political delegate to a raid on the public exchequer in the interest of some class or locality. Of constructive statesmanship, which conceives a great principle and educates and rallies public opinion in its support, there is in this matter no adequate supply.

In default of support of this character the advocates of dispauperisation must continue to rely on their own efforts.

It is impossible in this country to get anything done without the aid of public opinion, and public opinion is quite willing for long to put up with abuses that to the specialist, who knows how unnecessary they are, seem intolerable. In this case the burden is not heavy, and the persons damnified have precedent and warrant for believing that they are reaping benefit under the 43 Elizabeth, cap. 2, and subsequent Poor Law legislation. If the reformers are right in thinking that pauperism is largely an artificially created condition, and that dispauperisation is not only practicable but, comparatively speaking, easy, they must convert the working class to this

opinion,—they are now the governing class of this country.

Has any progress been made in this direction? As already noticed, one of the most noteworthy features in the recent controversy about old-age pensions has been the consistent opposition offered by the great friendly societies. This discussion has induced the leaders of these most useful associations to examine the social organism more closely. The result has been a better understanding between the friendly society leaders, who represent in this connection the true and legitimately constructive forces of industrial society, and those who contend that pauperism is really a noxious survival of feudal socialism. An alliance based on an acknowledgment of the truth of these two points of view is very esential to further progress. The pauper class must be emancipated not only by inspiriting accounts of the successes achieved by the friendly society and the other influences which make for independence, but by an aggressive system of social surgery, calculated to eradicate the habit and the character which makes them an easy prey to the evils of pauperism.

As evidence of the better understanding which is gaining ground, it may be sufficient to refer to a remarkable paper[1] written by Mr. J. Shelley, who occupies high office in the Ancient Order of Foresters. Like everyone else, Mr. Shelley approached the subject with the usual prejudices. Poverty is caused by want of means. The obvious remedy is relief, and plenty of it. Persons who think differently have to carry their views into practice by the invidious task of opposing the relief of some particular person. Unless the spectator realises that such conduct is required by the highest reasons of public policy, and by the best interests of the poor,

[1] Published in the June number of the *Charity Organisation Review* for 1898, and reprinted as a pamphlet by the society.

he very readily finds the conduct of such reformers churlish and illiberal. More especially, however, is such a judgment natural to working men, whose minds are not yet cleared of the suspicion that their interests have often been overlooked in our legislative arrangements. The cry is therefore heard, that our system of Poor Law relief, far from being too lavish, is unduly restricted, and that the only reform needed is one which will throw open wide the avenues which lead to relief, and that, in some way, the population so collected shall preserve the comfort and self-respect which, hitherto at all events, have never been found compatible with pauperism.

Mr. Shelley, unlike very many of his colleagues, who are inclined to treat the subject with impatience, has evidently gone into the question thoroughly, and has considered its history and the arguments which have been brought forward on different sides, and he has come to the same conclusion which apparently has been reached by every one who has gained sufficient knowledge to frame an articulate verdict on the subject. The gist of his argument, which from the representative position of the writer is of the utmost importance, may be indicated briefly. After quoting the dispauperisation of the country union of Bradfield[1] and the increase of friendly society membership

[1] On 1st January 1871 there were 1258 paupers in this union, or 1 in 13 of the population. On 1st January 1898 there were 134 paupers, or 1 in 134 of the population. This has been achieved by a careful administration and restriction of out-door relief. If we may assume that a similar policy applied elsewhere would have produced similar results, and we have warrant for the assumption, the effect of applying this system to the rest of England would have given us, on 1st January 1898 (excluding lunatics and vagrants), a pauperism of 219,388 instead of 733,205, the excessive figure at which it then stood. This statement of fact epitomises the whole theory of the Poor Law reformer. The best account of this reform is to be found in a paper contributed by the present chairman of the board of guardians, Mr. H. G. Willink, to the International Congress of Charities, Chicago, 1893, and published in a volume entitled the *Organisation of Charities*, by the Scientific Press,

which has been contemporaneous, and, as is suggested, actually caused by the stricter administration followed in that union, he exclaims: "What a boon to the workers! What an immense step toward independence of the true calibre. I would venture to urge upon you the duties of all who have at heart the best interests of friendly societies, to do all in their power to improve the local administration of the Poor Law; to remember that you can have just as many paupers as you choose to pay for; that to assist from the rates when application is made, just because it is made, may mean the damning of an individual's whole life to the recipient, and, instead of a self-reliant and independent man, you may make him a rate-dependent creature. I should urge all true friends of friendly societies, and as many friendly society workers as possible, to obtain seats upon the board of guardians, and thus see that the great thrift institutions are not prevented from getting as members those who in the proper course of events would belong to them, but, owing to the ease with which relief is obtained, failed to see the necessity of making any personal effort toward thrift—endeavour to prevent the unthrifty from obtaining as a right that which belongs to the thrifty. Remember that we are reaping greater benefits than any of our forefathers—better wages, more healthy conditions of life and labour, together with an absolute freedom never previously enjoyed, and yet we have failed to raise from the mud of Poor Law reliance those who have for decade after decade been bred and will die in an atmosphere of Poor Law relief."

He then points out the universally attested fact,

Strand, W.C., 1894. See also *From Pauperism to Manliness*, by Mr. Bland-Garland, the late chairman, published as a pamphlet by the London Charity Organisation Society. The policy followed at Bradfield and in several other reforming unions has been described in the author's *Methods of Social Reform*.

that members of friendly societies rarely come on the rates. Not only do they accumulate a fund which supports them during sickness, the main risk covered by friendly society insurance, but in the process they acquire habits and character which tend to make them independent at every other crisis of life. Membership in a friendly society, then, seems to render men immune to the disease of pauperism.

"What," he bluntly asks, "sent up friendly society membership by leaps and bounds?—Fear of the Poor Law. What hast kept it down the last few years, and shortened its strides in membership?—The discovery of a lax and easily satisfied administration."

To the statement of Mr. Shelley, who, as an official of one of the great affiliated orders, is dissociated from current party politics, we may add the following outspoken remarks of Mr. John Burns, M.P. We regret that from the occupants of the front benches language of this character is seldom heard.

"Every man who has been out of work cheers the man who is in favour of out-door relief. Every loafer at the street corner who lives on it says: 'Three cheers for a pound a week out-relief.' I have always been against it, except when administered with the greatest rigidity, and given to the right people. If Social Democrats were to promise, as some guardians—not the labour guardians—did at the last election, that out-relief would be generously administered, where would our rates be? Every demagogue anxious for place and power would be pandering to every poor, lone widow who gets her five bob from the guardians, and spends it at the 'Prince's Head' or the 'Pig and Whistle.' It means the complete prostitution and degradation of those whom we ought to raise and educate by better means."[1]

Processes, the operation of which are rendered

[1] *Charity Organisation Review*, February 1894.

inevitable by human nature and the constitution of society, are rapidly accelerated when their beneficent effect is realised by those whose destinies are thereby controlled. The tendency to turn back to the plausible advantages and the fleshpots of parochial servitude has, as we have shown, grown weaker. If the working classes can only realise the truth which has been presented to them with such force by Mr. Shelley, if they will with him insist on a better administration of the law, their emancipation from pauperism is within reach.

Though the ideas connoted by the phrase "the management of the poor," once so common in the literature of this controversy, are happily becoming a thing of the past, the spirit of reaction is still occasionally with us. In times of industrial crisis and in extremes of winter weather the daily papers and the magazines open their pages to the "paradoxers," who lightly solve all the problems of poverty. So great, however, of late years has been the spread of sound information, that such crudities are comparatively harmless, and with a return of prosperity or mild weather the would-be "manager of the poor" passes to the solution of other problems.

One reactionary agitation, however, requires more than a passing notice, because, owing to adventitious circumstances, it still hovers on the confines of practical politics. The history of the proposal that maintenance in old age should either in whole or in part cease to be a personal responsibility and become a public charge is not a little curious. It is not very easy to understand why this particular risk, to use a term borrowed from insurance, has been singled out for special treatment. The destitution of a widow, of orphan children, of a young man stricken down in his prime by a lingering and incurable disease will seem to many far more pathetic and involuntary misfortunes

than destitution in old age, arriving in the due course of events after forty years of able-bodied manhood. The burden of maintaining the period of life that is not able-bodied must, of course, fall on the able-bodied period. The responsibility for himself and his dependents has been hitherto held to rest, in the first instance, on the individual. Only on failure has the Poor Law been allowed to step in and accept, on the part of the community, the responsibility which the individual has left unfulfilled. When a breach in this system of personal responsibility is proposed, it is singular to find that it is not for the sake of exceptional or unexpected misfortune, but for the obvious, inevitable, and long-foreseen risk of destitute old age. Mr. Shelley has pointed out how fear of destitution, to be relieved only by the stricter forms of Poor Law introduced in 1834, gave impulse to the advance of the friendly society system. To follow this argument a step further, it may be pointed out that fear of a destitute old age has contributed more than any other cause to those permanent accumulations of wealth which pass from one generation to another. It is the absence of the habit of making such accumulations which, amid a civilisation based on the principle of private property, leaves so large a section of our population to follow a purely proletariate ideal. Savings, gathered for old age when death occurs before old age is reached, or more ample than is actually required, mean an ever-growing addition to the material permanence of our civilisation. Destitute old age, then, does not seem to have a higher claim on our sympathy than many other forms of misfortune, and the fear of it undoubtedly supplies a motive most fruitful of benefit to society at large. To make old age a public charge, therefore, would be to destroy one of the most powerful motives which is rescuing the poorer classes from the hand-to-mouth or proletariate life. The history of the agitation does

not intelligibly explain why old age has been selected for this special treatment.

The originator, in modern times, of this proposal did not confine his scheme to old age, nor did he at first advocate a removal of the responsibility of the individual to the State. In Canon Blackley's view, the responsibility should be fastened on the State not of providing a pension, but of obliging all men to provide pensions and sick allowances for themselves. This, though an impracticable and, as distracting attention from the true course of policy, a mischievous proposal, is at least a logical one.

As will, however, be obvious to any one who has the most rudimentary acquaintance with the details of sick insurance, no Government fund collected for sickness could escape a most demoralising form of bankruptcy brought about by malingering and improper claims. After being submitted to criticism for some time, the sick insurance part of Canon Blackley's scheme was withdrawn, and there remained a proposal that the State should compel men to purchase an old-age endowment for themselves. The Rev. Canon in those days argued strenuously that this was not beyond the power of the working class generally. The sole service to be rendered by the State was the necessary compulsion. No responsible politician has adopted this plan; whether it was practicable or not, it would obviously be very unpopular, and at length even its ingenious author has left it derelict, and has joined forces with those who are not prepared to compel but to bribe the working-class investor to purchase some form of annuity. Great variations as to methods and amounts have been put forward, but the scheme of assisted pensions is perhaps sufficiently described as a proposal to give a weekly half-crown from public funds to every workman who saves half a crown for himself.

This proposal in turn is met by the obvious objec-

tion, that if, as Canon Blackley argued (and it is impossible to produce a class so humble where some of its members do not succeed in providing for their old age), provision for old age was a thing to which workmen could justly be compelled, the proposal for subsidy was unnecessary. It, further, would be detrimental to the best interests of the poor, whose progress is to be secured not by any evasion of their responsibilities, but rather by their cheerful and successful discharge. Also, it would tend to foster inadequate assurance. If the proposed benefit was by a wage limit confined to persons who could only save half a crown, many would be prevented from such practice of economy as would make them entirely independent. If, on the other hand, all were permitted to avail themselves of the State gratuity, a Government security more productive than consols would be thrown open to the prudent middle-class investor at the cost of the general community. The objection, however, which divided the State-pension party most irrevocably was that an assisted pension would have no charm for the pauper class. Nothing short of a gratuity would affect its position in the least.

Accordingly, Mr. Booth proposed a gratuity of 5s. a week to all over the age of 65. In order to calm the susceptibilities of the poor, he laid great stress on the necessity of paying this 5s. a week to all, rich and poor, millionaires and paupers alike, for to make a distinction was to brand those eligible for a pension as economically an inferior class. This, like Canon Blackley's proposal, is in a way a logical proposal. It implies a universal deduction to the extent of 5s. weekly from the apprehension of a destitute old age. It is objected to this, that a weakening of apprehension in this respect is not a thing desirable in the best interest of the poor. What is wanted is a larger apprehension, such a modification of

opinion as will make provision for old age take rank with claims for which the working class cheerfully make considerable sacrifices, *e.g.* for supporting their trade union during a labour dispute. Mr. Booth's plan seemed to some a proposal to assimilate the condition of the English labouring class in respect of its old age to that of a population where food and maintenance is practically gratuitous, for there is no doubt that many poor people can and do live on 5s. a week, and, it was added, gratuity of maintenance is not favourable to the higher civilisation.

These theoretical arguments perhaps had less weight, but the practical politician observed that the cost would for the whole kingdom be about £25,000,000, apart from the cost of management, and that the management of a scheme which on paper is very simple was beset by some difficulties. Others, again, who were much in sympathy with the old-age pension proposals generally, roundly declared that to give 5s. a week in old age to millionaires and well-to-do members of the middle class was absurd. "We will give it," they said, "to all persons who are poor,"—while some of them added, "and of good character." This, of course, as Mr. Booth very clearly saw, was the principle of the Poor Law. Relief voted to a man because he is poor, and because some smug body of officials thinks he is of good character, is to reintroduce the inevitable feeling of inferiority and the sense of injustice which dogs any but an automatic administration of the Poor Law. The proposal, indeed, is nothing more than a return to the gross system of favouritism which guardians love to call discrimination.

All this might have remained in the air an interesting divagation in social circle squaring, but for certain political complications not at all relevant to the present issue. When the Liberal party broke asunder over Mr. Gladstone's Home Rule Bill, it was part of the policy of the Unionist opposition to put

forward a social programme, and a proposal for old-age pensions, if not officially inscribed upon the party ticket, was given some prominence, not only by Mr. Chamberlain, but by a considerable number of his supporters. A scheme not very definite or precise, and which altered from day to day, was put forward by Mr. Chamberlain. At first he and the friends who acted with him recommended the purchase of a deferred annuity, with, of course, a Government subsidy. They soon found that a deferred annuity, that is, a pension purchased by payments spread over a long period, and payable only in the event of the insured reaching a certain age, was a very unpopular form of investment. Men are glad to insure against sickness and premature death, but against the gradual and long-foreseen approach of old age, other methods of provision are usually employed. At this juncture it was proposed that the benefit should be not only old-age provision, but that the contract should include provision for death, and for surviving relatives in indeterminate numbers. In this way the scheme ceased to be one of insurance and became one of public charity, and the responsibility of the taxpayer became indefinite and unlimited. When the semi-official scheme fell into this chaotic disorder, the advocates of old-age pensions wisely based their agitation not on any particular scheme, but on old-age pensions in general.

A Royal Commission was appointed to advise. Its proceedings were conducted in a partisan rather than a judicial spirit. The majority report was unfavourable to the project, but as all the promoters of old-age pensions were on the Commission they produced a litter of minority reports which condemned rival schemes, but united in thinking that sufficient attention had not been paid to the public sentiment in favour of old-age pensions, and suggested that an expert committee should be appointed to consider

such proposals as were put forward, and to devise a scheme. A committee of experts, known as Lord Rothschild's committee, was accordingly appointed, and their report is, shortly, that no workable scheme has been submitted to them, and that they are not able to devise one.

The political opposition, in the meantime, is inclined to make merry over, though it does not venture to condemn, these abortive manœuvres. "We have never condemned old-age pensions," so it seems to say, "and our sentiments are irreproachable, but as we do not see exactly how it is to be done, we have never made any proposals. What we complain of is, that our rivals tried to win an election upon it though they have no plan, and that then they waste the time of the heads of our public departments by appointing them on a 'fishing' committee to find a plan for them." The whole transaction is the reverse of creditable to both political parties. The most interesting and important fact which has come out in the course of the controversy is the determined opposition which has been raised against the scheme by the leaders of the friendly society movement. It is their voice, and not the advice of statesmen, which so far has saved the country from this reactionary step.

One other important factor in the reaction which we are describing is the decay, indeed we might say the total disappearance, of the old Liberal party. The connection between a philosophical ideal and the political party which professes to seek its practical application is often a very loose one. It is even matter of controversy whether Cobden himself realised the full effect of his advocacy of free exchange. Sir Louis Mallet, in an admirable essay on his distinguished friend, has claimed for Cobden a much wider philosophical vision than has been usually attributed to him. Certain it is, however, that the party which he formed

had often a very feeble comprehension of the far-reaching consequences of a policy of free exchange. Cobden opposed, as his principles obliged him to do, the introduction of the Factory Acts. The world has insisted that Cobden was wrong, and he subsequently made some sort of a recantation. His friend, Mr. Bright, took the same line as his leader, but made no recantation, and so untenable does his position appear to the majority, that surprise has been expressed at his stubborn unwillingness to go with the crowd and acknowledge his error. Yet his opinions were once those of the whole Liberal party. It may be possible, in practice at all events, to distinguish between a Poor Law and a Factory Act, but the principle which condemned the parochial servitude of the Poor Law, and the false economy of protective duties, carried at that time, in some minds at all events, a condemnation of all and every infringement of industrial liberty. This rigid adherence to a principle has been deemed unsuitable to practical politics, but the largeness of the exceptions now admitted seems likely entirely to reverse the rule. In 1846 the arguments which told in favour of a reformed Poor Law and the repeal of the corn duties appeared to be axiomatic, but they were held to be inconclusive when applied to the regulation of labour and the responsibility of parental control. At the present day the position is completely reversed. The general enthusiasm which seems to attend the abrogation of freedom of contract between employer and employed, whether it proceed from legislative enactment or trade-union regulation, is distinct evidence of the slender influence on the public mind exercised by the general principle on which the reform of the Poor Law and the abolition of the Corn Law are maintained.

It will, of course, be said, and said truly, that a general principle should govern the ideals rather than

the details of our practical politics. Even if we accept, as it is suggested that the old Liberal party accepted, the Hegelian ideal that progress consists in the "Entwickelung der Freiheit," it is arguable that a headlong policy of liberation is impracticable and certain to produce an irresistible reaction. This may be true, and may be an apology for the defection of some from earlier ideals, but the change of opinion appears to be fundamental. No new ideal, but rather a spirit of hand-to-mouth empiricism, has replaced the old aspirations. For good or for evil, the Hegelian conception of progress as the gradual development of individual freedom has ceased to be an ideal.

This decay of Liberalism, in the older sense of the term, this scepticism as to the magic of a once revered creed, has paralysed the progress of a Poor Law policy that drew its inspiration from that earlier doctrine, but it has not yet resulted in any organised attack on such instalments of administrative reform as were introduced by the Act of 1834. Reactionary influences cannot explain away that monumental document, the report of 1834. The "Ashleyite" policy, as it was called by Sir G. C. Lewis, has been approved by the country, and has brought with it many plausible advantages. It seemed then, to those who had taken a part in the reform of the Poor Law, in the repeal of the Corn Laws, and of the Combination Acts, a reactionary step to legislate on the assumption that there was a permanent incapacity for freedom and independence in the class which had just been emancipated. A survivor of Lord Shaftesbury's opponents, if such there be, would admit the popularity of the Ashleyite movement, but would cite the precedent of that ill-fated legislation of Elizabeth, which, for the sake of certain plausible advantages, has entailed on us the burden of pauperism. The opposition to the Ashleyite policy is one of those lost causes of history which only a much later

generation can impartially relate. Will a future generation become aware that Victorian legislators, like their predecessors of the Elizabethan age, have been endowing, and so preserving, a mass of economic destitution and incapacity which again, as in 1834, will one day threaten the enterprise and life of the nation?

In this analysis of the prevalent political philosophy of the day we have taken no account of the now dominant Conservative party. The Conservative party is not, and does not profess to be, an originating party. It would have conserved, if Mr. Disraeli had been allowed his way, the old territorial system of protection and parochial servitude; and the same instinctive dislike of change will probably to-day make it (with what measure of success the future only can tell) the champion of many things which it formerly opposed, of free trade threatened by the protective policy which sooner or later must be demanded by the trade unions as a buttress to their own policy of restriction, and perhaps of the new Poor Law, when it is proposed to supersede it by a system of old-age pensions, rate-supported hospitals, and national workshops. Conservatism, even when it proves most useful, is a wisely eclectic rather than a creative philosophy.

Our social philosophy is in a sceptical if not in a reactionary mood. If we analyse it closely we shall find it hesitating between two contending principles. Conservatism is not a principle, but a desire to preserve, in the interest of existing civilisation, a balance between two discordant and irreconcilable views of life. These are—(1) The principle of Socialism, that is, of reaction to a condition of status, idealised, it is true, by a new and plausible apologetic, but in essence not differing from the feudal servitude, from the last remnants of which mankind is now struggling to escape. (2) The principle of Liberalism, which seeks

to forward the complete emancipation of mankind, and its re-organisation under the influence of contract and exchange, which would substitute free labour for slavery, private property and personal responsibility for the communism of the poor-rate, the abundant energy and economy of free exchange for the dull routine and wastefulness of a universal system of State monopoly and regulation.'

Legislation with regard to pauperism has been reformed to a certain point by the influence of Liberalism, but the authority of that principle has died away A certain amount of reactionary legislation has taken place, and more will be attempted; nor is it probable that, as things are at present constituted, any further liberating measures will be proposed. It may be, that nothing short of a great national disaster will induce the country to reopen a controversy which for the present seems closed.

When that day arrives, if it ever does arrive, the history of the Poor Law will be invested with an interest which it does not now possess. The new Poor Law, in so far as it is a restriction on the old law, is the exception which the Ashleyite party allows to stand. It proclaims, though in terms so faint that its voice is only affirmative when it is compared with the old Poor Law's denial of the same principle, the personal responsibility of the individual as the necessary foundation of all social progress. Every invasion of this principle, notwithstanding many plausible advantages, has a parasitic and demoralising influence. If this is true with regard to a man's responsibility for his bare maintenance, why is it untrue with regard to the other economic advantages of civilisation? Has this question ever been answered? In any case, if the controversy is reopened, it must be faced. Are we not now in danger of sacrificing the permanent and expansive principles of social growth for advantages

which are merely plausible and evanescent? The example of the Poor Law seems to suggest an answer. There, at all events, the plausible has often been weighed and found wanting. Does the analogy hold?

APPENDIX

PREVIOUS to 1849 the annual returns were based on the number of persons relieved during the last three months of the Poor Law year, and are of no value for purposes of comparison. Since that date the "mean number" is based on the numbers chargeable on the 1st July and the 1st January in the year extending from Lady Day to Lady Day

The following is taken from the Twenty-seventh Annual Report of the Local Government Board (1897–98), and shows the fluctuations of pauperism between the years 1849–98.

MEAN NUMBER of PAUPERS OF ALL CLASSES (IN-DOOR and OUT-DOOR) in ENGLAND and WALES for each of the 50 Parochial Years ended at Lady Day 1898.

Year ended Lady-Day.	Mean Number of In-door Paupers.	Ratio per 1000 of estimated Population.	Mean Number of Out-door Paupers.	Ratio per 1000 of estimated Population.	Mean Number of In-door and Out-door Paupers.	Ratio per 1000 of estimated Population.
1849	133,513	7·7	955,146	55·0	1,088,659	62·7
1850	123,004	7·0	885,696	50·4	1,008,700	57·4
1851	114,367	6·5	826,948	46·5	941,315	53·0
1852	111,323	6·2	804,352	44·7	915,675	50·9
1853	110,148	3·0	776,214	42·7	886,362	48·7
1854	111,635	6·1	752,982	40·9	864,617	47·0
1855	121,400	6·5	776,286	41·7	897,686	48·2
1856	124,879	6·6	792,205	42·1	917,084	48·7
1857	122,845	6·5	762,165	40·0	885,010	46·5
1858	122,613	6·4	786,273	40·8	908,886	47·2
1859	121,232	6·2	744,214	38·2	865,446	44·4
1860	113,507	5·8	731,126	37·1	844,633	42·9
1861	125,866	6·3	758,055	38·1	883,921	44·4
1862	132,236	6·6	784,906	39·0	917,142	45·6
1863	136,907	6·7	942,475	46·3	1,079,382	53·0
1864	133,761	6·5	881,217	42·7	1,014,978	49·2
1865	131,312	6·3	820,586	39·3	951,899	45·6
1866	132,776	6·3	783,376	37·0	916,152	43·3
1867	137,310	6·4	794,236	37·1	931,546	43·5
1868	150,040	6·9	842,600	38·9	992,640	45·8
1869	157,740	7·2	860,400	39·2	1,018,140	46·4
1870	156,880	7·1	876,000	39·4	1,032,800	46·5

Year ended Lady Day.	Mean Number of In-door Paupers.	Ratio per 1000 of estimated. Population.	Mean Number of Out-door Paupers.	Ratio per 1000 of estimated Population.	Mean Number of In-door and Out-door Paupers.	Ratio per 1000 of estimated Population.
1871	156,430	7·0	880,930	39·1	1,037,360	46·1
1872	149,200	6·6	828,000	36·3	977,200	42·9
1873	144,338	6·3	739,350	32·0	883,688	38·3
1874	143,707	6·1	683,739	29·2	827,446	35·3
1875	146,800	6·2	654,114	27·6	800,914	33·8
1876	143,084	6·0	606,392	25·2	749,476	31·2
1877	149,611	6·1	570,338	23·4	719,949	29·5
1878	159,219	6·4	569,870	23·1	729,089	29·5
1879	166,852	6·7	598,603	23·9	765,455	30·6
1880	180,817	7·1	627,213	24·7	808,030	31·8
1881	183,872	7·2	607,065	23·6	790,937	30·8
1882	183,374	7·1	604,915	23·2	788,289	30·3
1883	182,932	6·9	599,490	22·8	782,422	29·7
1884	180,846	6·8	585,068	22·0	765,914	28·8
1885	183,820	6·8	585,118	21·8	768,938	28·6
1886	186,190	6·8	594,522	21·9	780,712	28·7
1887	188,414	6·8	607,622	22·1	796,036	28·9
1888	192,084	6·9	608,400	21·9	800,484	28·8
1889	192,105	6·8	603,512	21·5	795,617	28·3
1890	187,921	6·6	587,296	29·7	775,217	27·3
1891	185,838	6·5	573,892	19·9	759,730	26·4
1892	186,607	6·4	558,150	19·2	744,757	25·6
1893	192,512	6·5	566,264	19·3	758,776	25·8
1894	205,338	6·9	582,595	19·6	787,933	26·5
1895	208,746	6·9	588,167	19·6	796,913	26·5
1896	213,776	7·0	602,243	19·8	816,019	26·8
1897	214,382	7·0	600,505	19·5	814,887	26·5
1898	216,200	7·0	597,786	19·2	813,986	26·2

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ERRATUM.

On page 325, line 3, *for* Sir E. Grey, *read* Sir G. Grey.

THE END.

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